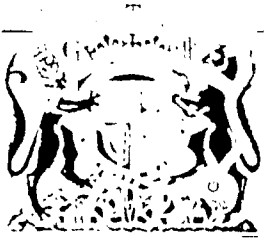
Vol. XXII



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Council Proceedings

Official Report

Bengal Legislative Council

Twenty-second Session, 1926

6th, 8th, 9th, 12th and 13th July, 1926

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GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

His Excellency the Right Hon'ble VICTOR ALEXANDER GEORGE ROBERT BULWAR-LYTTON, Earl of Lytton, P.C., G.C.S.I., G.C.I.E. (*on leave*).

His Excellency Sir HUGH LANSDOWN STEPHENSON, K.C.I.E., C.S.I. (*Acting*).

MEMBERS OF THE EXECUTIVE COUNCIL.

The Hon'ble Mr. J. DONALD, C.S.I., C.I.E., I.C.S., in charge of the following portfolios:—

1. Finance.
2. Separate Revenue.
3. Commerce and Industrial subjects.
4. Marine.
5. Education.
6. Public Works.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia, in charge of the following portfolios:—

1. Land Revenue.
2. Land Acquisition.
3. Excluded Areas.
4. Irrigation.
5. Medical administration, including hospitals, dispensaries and asylums and provision for medical education.
6. Local Self-Government.

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, C.I.E., in charge of the following portfolios:—

1. Emigration.
2. Immigration.
3. Jurisdiction.
4. Haj Pilgrimage.
5. Forests.
6. Agriculture and Industries.
7. Excise.
8. Registration.

The Hon'ble Mr. L. BIRLEY, C.S.I., C.I.E., I.C.S., in charge of the following portfolios:—

1. Appointment.
2. Political, excluding Haj pilgrimage.
3. Police.
4. Ecclesiastical.
5. Regulation of medical, and other professional qualifications and standards, subject to legislation by the Indian Legislature.
6. Jails.
7. Judicial.
8. Legislative, including the Executive Administration of the Legislative Department and elections for Indian and Provincial Legislatures, subject to rules framed under sections 64 (*1*) and 72 (*a*) of the Government of India Act.

GOVERNMENT OF BENGAL.

PRINCIPAL OFFICERS OF THE BENGAL LEGISLATIVE COUNCIL.

PRESIDENT.

The Hon'ble Kumar SHIB SHEKHARESWAR RAY.

DEPUTY PRESIDENT.

Dr. ABDULLAH AL-MAMUN SUHRAWARDY.

Panel of Chairmen for the Twenty-second Session.

Babu JATINDRA NATH BASU.

Mr. W. L. TRAVERS, C.I.E., O.B.E.

Maulvi EKRAMUL HUQ.

Raja MANMATHA NATH RAY CHAUDHURI of Santosh.

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Assistant Secretaries to the Council—A. M. HUTCHISON (*on leave*), K. N. MAJUMDAR, and J. W. MCKAY (*Offg.*).

Registrar to the Council—M. MUKHERJI (*Offg.*).

BENGAL LEGISLATIVE COUNCIL.

ALPHABETICAL LIST OF MEMBERS.

A

Addy, Babu Amulya Dhone. (Bengal National Chamber of Commerce.)
Ahamad, Maulvi Asimuddin. [Tippera (Muhammadan).]
Ahmed, Maulvi Tayebuddin. [Mymensingh East (Muhammadan).]
Ahmed, Maulvi Zannoor. [Burdwan Division South (Muhammadan).]
Ahsanullah, Mollah. [Rajshahi North (Muhammadan).]
Alev, Khan Bahadur S. Mahboob. [Calcutta North (Muhammadan).]
Ali, Maulvi Sayyed Sultan. [Khulna (Muhammadan).]
Ali, Mr. Altaf. [Mymensingh East (Muhammadan).]

B

Bagchi, Babu Romes Chandra. [Malda (Non-Muhammadan).]
Baksh, Maulvi Kader. [Dinajpur (Muhammadan).]
Banerjea, Dr. Pramathanath. [Calcutta East (Non-Muhammadan).]
Banerjee, Babu Satya Kishore. (Burdwan Landholders.)
Banerjee, Mr. A. C. [Calcutta South Central (Non-Muhammadan).]
Banerjee, Rai Bahadur Abinash Chandra. (Nominated Non-official.)
Barma, Rai Sahib Panchanan, M.B.E. [Rangpur (Non-Muhammadan).]
Barton, Mr. H. (Anglo-Indian.)
Basu, Babu Jatindra Nath. [Calcutta North (Non-Muhammadan).]
Basu, Babu Sarat Chandra. [Burdwan (Non-Muhammadan).]
Birley, the Hon'ble Mr. L., C.S.I., C.I.E. (Member, Executive Council.)
Biswas, Mr. Abdul Latif, B.L. [Dacca West (Rural) Muhammadan.]
Bose, Babu Bejoy Krishna. (Calcutta University.)

C

Chakravarti, Mr. Byomkes. [24-Parganas Rural South (Non-Muhammadan).]
Chakravarti, Babu Jogindra Chandra. [Dinajpur (Non-Muhammadan).]
Chakravorty, Babu Sudarsan. [Rajshahi (Non-Muhammadan).]
Chatterjee, Babu Umes Chandra. [Bankura East (Non-Muhammadan).]

Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur, C.I.E. (Member, Executive Council.)
Chaudhuri, Rai Harendranath. [24-Parganas Rural North (Non-Muhammadan).]
Chaudhury, Maulvi Md. Nurul Haq. [Chittagong (Muhammadan).]
Chaudhury, Maulvi Saiyed Abdur Rob. [Faridpur South (Muhammadan).]
Child, Mr. R. H. (Bengal Chamber of Commerce.)
Chowdhury, Maulvi Fazlal Karim. [Bakarganj North (Muhammadan).]
Chunder, Mr. Nirmal Chandra. [Calcutta North Central (Non-Muhammadan).]
Cohen, Mr. D. J. (Nominated Non-official.)
Cooper, Mr. C. G. (Indian Jute Mills Association.)
Corcoran, Mr. B. J. [Dacca and Chittagong (European).]
Crawford, Mr. T. C. (Indian Tea Association.)

D

Das, Babu Charu Chandra. (Nominated Non-official.)
Das, Dr. Mohini Mohan. [Faridpur South (Non-Muhammadan).]
Das, Rai Bahadur Amar Nath. (Nominated Official.)
Das Gupta, Dr. J. M. [Bogra *cum* Pabna (Non-Muhammadan).]
Datta, Babu Akhil Chandra. [Tippera (Non-Muhammadan).]
Daud, Mr. M. (Nominated Non-official.)
Davie, Mr. J. Couper. (Calcutta Trades Association.)
De, Mr. K. C., C.I.E. (Nominated Official.)
Dey, Babu Boroda Prosad. [Hooghly Municipal (Non-Muhammadan).]
Donald, the Hon'ble Mr. J., C.S.I., C.I.E. (Member, Executive Council.)
Doss, Rai Bahadur Pyari Lal, M.B.E. [Dacca City (Non-Muhammadan).]
Drummond, Mr. J. G. (Nominated Official.)
Dutt, Mr. G. S. (Nominated Official.)

F

Faroqui, Khan Bahadur K. G. M. (Nominated Non-official.)
Forrester, Mr. J. Campbell. [Presidency and Burdwan (European).]

G

Gafur, Maulvi Abdul. [Pabna (Muhammadan).]
Ganguly, Babu Khagendra Nath. [Howrah Municipal (Non-Muhammadan).]
Ghuznavi, Hadji Mr. A. K. Abu Ahmed Khan. [Mymensingh West (Muhammadan).]
Goenka, Rai Bahadur Badridas. (Bengal Marwari Association.)
Guha, Mr. P. N. (Nominated Non-official.)

H

Haldar, Mr. S. N. [Calcutta South (Non-Muhammadan).]
Haq, Khan Bahadur Kazi Zahirul. [Dacca East Rural (Muhammadan).]
Haq, Shah Syed Emdadul. [Tippera (Muhammadan).]
Heard, Major-General Richard, C.I.E., M.D., K.H.S., I.M.S. (Nominated Official.)
Hodgson, Mr. R. C. (Nominated Official.)
Hogg, Mr. G. P. (Nominated Official.)
Hopkyns, Mr. W. S., O.B.E. (Nominated Official.)
Hoque, Maulvi Sayedul. [Noakhali (Muhammadan).]
Hossain, Maulvi Wahed. [Barrackpore Municipal (Muhammadan).]
Hossain, Nawab Musharruf, Khan Bahadur. [Malda *cum* Jalpaiguri (Muhammadan).]
Huq, Maulvi Ekramul. [Murshidabad (Muhammadan).]
Huq, Mr. Mahbubul. [24-Parganas Municipal (Muhammadan).]

J

Jaffes, Mr. F. E., O.B.E. [Presidency and Burdwan (European).]
Jennaway, Mr. J. H. (Indian Mining Association.)
Joardar, Maulvi Aftab Hossain. [Nadia (Muhammadan).]

K

Khaitan, Babu Debi Prosad. (Nominated Non-official.)
Khan, Babu Debendra Lal. [Midnapore North (Non-Muhammadan).]
Khan, Maulvi Abdur Raschid. [Noakhali (Muhammadan).]
Khan, Maulvi Amanat. [Chittagong (Muhammadan).]
Khan, Maulvi Mahi Uddin. [Rangpur East (Muhammadan).]

L

Lal Mahammad, Haji. [Rajshahi South (Muhammadan).]
Law, Raja Reshee Case, C.I.E. (Bengal National Chamber of Commerce.)
Lindsay, Mr. J. H., I.C.S. (Nominated Official.)

M

Muhammad, Maulvi Basar. [Rangpur West (Muhammadan).]
Maity, Babu Mahendra Nath. [Midnapore South (Non-Muhammadan).]
Masih, Mr. Syed M. [Faridpur North (Muhammadan).]
McAlpin, Mr. M. C., C.I.E. (Nominated Official.)
McKenzie, Mr. D. P. (Bengal Chamber of Commerce.)
Mitra, Babu Jogendra Nath. [Jessore South (Non-Muhammadan).]
Mitra, Babu Satyendra Chandra. [Noakhali (Non-Muhammadan).]

Mitter, Sir Provash Chunder, Kt., C.I.E. (Presidency Landholders.)
Moberly, Mr. A. N., C.I.E. (Nominated Official.)
Moreno, Dr. H. W. B. (Anglo-Indian.)
Morgan, Mr. G. (Bengal Chamber of Commerce.)
Mukerjea, Babu Taraknath. [Hooghly Rural (Non-Muhammadan).]
Mukerji, Mr. S. C. (Nominated Non-official.)

N

Nandy, Maharaj Kumar Sris Chandra. [Murshidabad (Non-Muhammadan).]
Nasker, Babu Hem Chandra. [24-Parganas Rural Central (Non-Muhammadan).]
Nazimuddin, Khaje, C.I.E. [Bakarganj South (Muhammadan).]
Neogi, Babu Manmohon. [Mymensingh West (Non-Muhammadan).]

P

Pahlowan, Maulvi Md. Abdul Jubbar. [Mymensingh West (Muhammadan).]
Patterson, Mr. D. C. (Nominated Official.)
Philip, Mr. J. Y. (Bengal Chamber of Commerce.)

Q

Quader, Maulvi Abdul. [Jessore South (Muhammadan).]

R

Rahim, Sir Abd-ur, K.C.S.I. [Hooghly *cum* Howrah Municipal (Muhammadan).]
Rahman, Mr. A. F. (Dacca University.)
Raikat, Mr. Prasanna Deb. [Jalpaiguri (Non-Muhammadan).]
Ray, Babu Abanish Chandra. [Birbhum (Non-Muhammadan).]
Ray, Babu Anilbaran. [Bankura West (Non-Muhammadan).]
Ray, Babu Nagendra Narayan. [Rangpur (Non-Muhammadan).]
Ray, Babu Surendra Nath. [24-Parganas Municipal South (Non-Muhammadan).]
Ray, Dr. Kumud Sankar. [Faridpur North (Non-Muhammadan).]
*Ray, the Hon'ble Kumar Shib Shekhareswar. (Rajshahi Landholders.)
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra of Nadia. (Member, Executive Council.)
Ray Chaudhuri, Mr. K. C. (Nominated Non-official.)
Ray Chaudhuri, Raja Manmatha Nath, of Santosh. (Dacca Landholders.)

* President of the Bengal Legislative Council.

Roy, Babu Manmatha Nath. [Howrah Rural (Non-Muhammadan).]
Roy, Babu Satcowripati. [Calcutta North-West (Non-Muhammadan).]
Roy, Dr. Bidhan Chandra. [24-Parganas Municipal North (Non-Muhammadan).]
Roy, Mr. D. N. [Jessore North (Non-Muhammadan).]
Roy, Mr. Kiran Sankar. [Dacca Rural (Non-Muhammadan).]
Roy, Mr. S. N., I.C.S. (Nominated Official.)
Roy, Mr. Tarit Bhusan. (Bengal Mahajan Sabha.)
Roy, Raja Maniloll Singh, C.I.E., of Chakdighi. [Burdwan (Non-Muhammadan).]
Roy Chaudhuri, Babu Sailaja Nath. [Khulna (Non-Muhammadan).]
Roy Choudhuri, Rai Bahadur Satyendra Nath. [Bakarganj South (Non-Muhammadan).]

S

Salam, Khan Bahadur Maulvi Abdus. [Jessore North (Muhammadan).]
Sarkar, Babu Hemanta Kumar. [Nadia (Non-Muhammadan).]
Sarkar, Maulvi Allah Buksh. [Dacca City (Muhammadan).]
Sarker, Babu Naliniranjan. [Mymensingh East (Non-Muhammadan).]
Sasmal, Mr. B. N. [Midnapore South (Non-Muhammadan).]
Sen, Mr. N. C. [Bakarganj North (Non-Muhammadan).]
Sen Gupta, Mr. J. M. [Chittagong (Non-Muhammadan).]
Simpson, Mr. J. W. A. (Indian Jute Mills Association.)
Singha, Mr. Arun Chandra. (Chittagong Landholders.)
Skinner, Mr. S. A. (Bengal Chamber of Commerce.)
Stapleton, Mr. H. E. (Nominated Official.)
*Suhrawardy, Dr. A. [24-Parganas Rural (Muhammadan).]
Suhrawardy, Mr. Huseyn Shaheed. [Calcutta South (Muhammadan).]

T

Tarafdar, Maulvi Rajib Uddin. [Bogra Muhammadan).]
Travers, Mr. W. L., C.I.E., O.B.E. [Rajshahi (European).]

V

Villiers, Mr. Edward. [Presidency and Burdwan (European).]

W

Wilson, Mr. R. B., C.I.E. (Bengal Chamber of Commerce.)

Y

Yasin, Maulvi Muhammad. [Burdwan Division North (Muhammadan).]

* Deputy President of the Bengal Legislative Council.

THE BENGAL LEGISLATIVE COUNCIL PROCEEDINGS.

(Official Report of the Twenty-Second Session.)

VOLUME XXII.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Tuesday, the 6th July, 1926, at 3 P.M.

Present:

The Hon'ble the President (KUMAR SHIB SHEKHARESWAR RAY) in the Chair, the four Hon'ble Members of the Executive Council and 63 nominated and elected members.

Oath.

The following members made an oath of their allegiance to the Crown:—

Mr. A. N. MOBERLY, C.I.E.

Mr. M. C. McALPIN, C.I.E.

Mr. G. P. HOGG.

Mr. R. C. HODGSON.

Mr. H. E. STAPLETON.

Obituary References.

Mr. PRESIDENT: GENTLEMEN OF THE COUNCIL, We have to record with great regret the death of three of Bengal's sons. I refer to the death of the late Sir K. G. Gupta in March last, of the late Raja Promoda Nath Ray of Dighapatia which took place in June and of our old friend and one-time colleague, Babu Nitya Dhone Mukherji, who died in May.

The late Sir K. G. Gupta was a great Bengali and a personage of whom every Bengali should be specially proud. A man of great parts and conspicuous ability, he rose from the bottom of the ladder in the great service to which he belonged, to the very highest posts which

at that time were available to Indians. In every post he held he was a brilliant success. In many ways he may be considered to be a pioneer for in his case he showed to the world that a Bengali could hold his own with the best brains in the service in all the departments of Government. The Bengali people owe a great debt of gratitude to his memory.

The Raja of Dighapatia was a man of large-hearted sympathy and charity, who exemplified in himself that noble Bengali virtue—, courtesy. He was always the kindly, courteous Bengali nobleman, loved and respected by all who knew him. The worthy son of a worthy father, he represented this great province in the Council of State where he worked unostentatiously but nevertheless whole-heartedly and conscientiously for his country's good. He belonged to one of the premier zamindar families of Bengal. Bengal is the poorer by his untimely death.

Babu Nityа Dhone Mukherji was veritably a people's man, a fighter and an indefatigable worker on their behalf. Blessed with a wholesome sense of humour, though he had many opponents, he had no enemies. Well do I remember in the last Council, how many an awkward moment in a debate was turned by the good humour of the late member from Howrah.

I would ask the members of the Council to record their sense of deep sympathy with the relatives of these three sons of Bengal by rising in their places.

(All the members then rose in their seats.)

Mr. PRESIDENT: Thank you, gentlemen. The Secretary will kindly take the usual steps.

Panel of Chairmen.

Mr. PRESIDENT: In accordance with the provisions of Rule 3 of the Bengal Legislative Council Rules, 1920, I nominate the following members of the Council to form a panel of four Chairmen for the ensuing session, viz.:—

Babu JATINDRA NATH BASU.

Mr. W. L. TRAVERS.

Maulvi EKRAMUL HUQ.

Raja MANMATHA NATH RAY CHAUDHURI of Santosh.

Unless otherwise arranged, the senior member among them present in the above order named will preside over the deliberations of this Council in my absence and in the absence of the Deputy President.

Election to the Court of the Indian Institute of Science at Bangalore.

Mr. PRESIDENT: GENTLEMEN—The Government of India have issued a notification embodying the revised scheme for the administration and management of the properties and funds of the Indian Institute of Science, Bangalore, which is being circulated to you.

Gentlemen, the Director of the Institute has asked us to nominate a gentleman on the Court of Management. It would appear that our nominee need not necessarily be a member of the Council.

I am to request you, Gentlemen, to send in your nominations addressed to the Secretary, duly seconded by some other member, and in so doing each proposer should previously ascertain whether his nominee is willing to serve on the Court. Such nominations should reach the Secretary to the Council by 11 A.M. on the 10th instant and the election, if any, will be held at 2-45 P.M. on the 12th instant.

Non-official Business.

Non-official Members' Bills.

The Bengal "Phuka" Bill, 1925.

Dr. H. W. B. MORENO: I move under the proviso to Standing Order 6 (2), that the Bengal *Phuka* Bill, 1925, be continued.

This is entirely a technical matter. As the Bill lapsed owing to the intervening session of the Council it has to be revived at this session. I do not desire here to say anything; I reserve my remarks for the time when I shall move for the Bill to be placed before a committee. I trust the Council will then give me an opportunity of speaking more fully on the merits of the Bill. I formally move now that the Bill be continued.

The motion was put and agreed to.

Dr. H. W. B. MORENO: I move that the Bengal *Phuka* Bill, 1925, be referred to a Select Committee consisting of the Hon'ble Mr. L. Birley, Mr. E. Villiers, Babu Surendra Nath Ray, Mr. Byomkes Chakravarti, Rai Badridas Goenka Bahadur, Mr. Tarit Bhusan Roy, Babu Jatindra Nath Basu, Mr. S. C. Mukerji, Mr. A. C. Banerjee, Babu Debi Prosad Khaitan, Mr. K. C. Ray Chaudhuri, Mr. N. C. Sen, Babu Amulya Dhone Addy, Mr. P. N. Guha, Babu Charu Chandra Das, Rai Abinash Chandra Banerjee Bahadur, Mr. D. J. Cohen, and the mover, with instructions to submit their report for consideration at the August session of the Bengal Legislative Council and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Mr. PRESIDENT: Have you secured the consent of the members whom you have named in your motion?

Dr. H. W. B. MORENO: I have Sir. With regard to this Bill, I would like to say that in the provisions of this Bill will be found a definition of *phuka*. I do not here intend to disgust the feelings of this Council with regard to the details of the practice—the abominable process practised on the cows of Bengal to extract more milk from their udders. I shall therefore confine myself to the other provisions as found in the Bill. In the Bill will be found adequate provision for the detection of *phuka* as practised on animals and the deterrent punishments for such practice. It is a well known fact that the animals on whom this abominable process is practised either remain permanently, or for some time, sterile. We know that this practice is going on more frequently than before and the result is that you have these things done only because the *gowallas* are immune, who because they have to supply you milk squeeze out a little more than is normally given out of these poor animals by means of this abominable process. Every one will agree with me that if this is done, most of the animals, perhaps, in the first period of lactation or in the second period, are rendered useless for the rest of their lives. Something definite must then be done to stop this practice, in order that our cattle may be preserved. If the members of this Council will follow me carefully, they will see that along with this Bill there are two other Bills before this session of the Council, that concern the welfare of the cattle in Bengal. After this Bill follows the Bengal Pasture Bill, next the Bengal Cattle Bill. These three Bills help towards the protection and preservation of the cattle of Bengal. These three Bills form a kind of synthesis and are meant for the improvement and further development of the cattle of Bengal. I remember reading a speech not long ago by the Nawab Saiyid Nawab Ali Chaudhuri, at a local Conference, where he stated that the cattle in this province were deteriorating to an alarming extent and that some effective measures were necessary to bring them up to the required strength and status. These three Bills lead to that desirable end. I shall deal with the other Bills later on as they come up. I only wish to say here that if we wish to see the cattle of the land more useful to the people, something must be done with regard to this evil practice of *phuka* which is growing more and more from day to day, without effective measures to prevent it.

I take it that the Government may say that they are very shortly going to put into force the Prevention of Cruelty to Animals Act of 1920 and, therefore, there is little or no necessity for a Bill of this kind. If that be the position of the Government, I say in reply that when that Act will be put into force this Bill may be repealed. But until that Act is put into force something should be done, in the

meanwhile to prevent the spread of the practice of *phuka*. The Bill has been before the Council and it has been fully discussed. I, therefore, appeal to the House to see it through; I also appeal to Government benches to allow this Bill to be put into effect until such time as they are prepared to put forward a more comprehensive measure.

The following motion was called but not moved:

"**SHAH SYED EMDADUL HAQ** to move that after the name of 'Mr. D. J. Cohen,' the following names be inserted, namely:—

'Hadji Mr. A. K. Abu Ahmed Khan Ghuznavi,
Maulvi Md. Nurul Huq Chaudhuri,
Khan Bahadur Maulvi Abdus Salam,
Shah Syed Emdadul Haq.'"

The Hon'ble Mr. L. BIRLEY: I wish to explain first that Government entirely agree with Dr. Moreno's object which is to take more effective powers for the suppression of the practice of *phuka*. The only difference between us and the mover is as to the manner in which this result should be brought about. In the Statement of Objects and Reasons attached to Dr. Moreno's Bill, it is stated that the object is to make provision for the suppression of *phuka* in view of the provision made in the Cruelty to Animals' Act of 1920 not having been put into force. Sir, during the last few months the position has materially changed. The Act of 1920 was not brought into force for want of three essential requisites. These are—(1) Weigh-bridges; (2) Infirmaries; and (3) Veterinary Inspectors, and also because the Calcutta Corporation was not prepared to work the Act. The present position is that the Society for the Prevention of Cruelty to Animals has been reorganised and has provided the three requisites—Weigh-bridges, Infirmaries and Veterinary Inspectors—and that Society is prepared to work the Act of 1920 with effect from October, 1926. Legislation is necessary to get over certain difficulties which have been pointed out in connection with the disposal of excess loads. It is the intention of Government to introduce a Bill in the August session and as it is not expected that the Bill will be of a controversial character, it is expected that it will be passed into law at that session. If that is the case the result will be same as what Dr. Moreno asks for, that is to say, that in August there will be a law-making provision for what he wants.

There are certain points in Dr. Moreno's Bill with which Government does not agree. One of them is the proposal contained in clause 4 that the Corporation of Calcutta may appoint officers for the prevention of the practice of *phuka*. That provision would have been quite reasonable if as the mover probably expects, the Corporation

were prepared to work the Act. There are, however, certain other provisions in Dr. Moreno's Bill which we think rather an improvement on the provisions about *phuka* contained in the Cruelty to Animals Act of 1920 and we should be prepared to give them very careful consideration, in preparing our Bill. And if we do not introduce any provisions which Dr. Moreno desires it will be open to him to move amendments. Dr. Moreno suggests that if we pass his Bill now it may be repealed when the Cruelty to Animals Act is put into force. If it turns out as we desire then his Bill and ours will be passed simultaneously in August and his Bill will have to be repealed as soon as passed. We want to provide better facilities and we think it is undesirable to have two Acts side by side dealing with one particular aspect of cruelty to animals and we prefer to bring about the result which I think we all desire, by introducing our Bill in August next and thereby making provision for this. This being the view of Government they are opposed to the reference of this Bill to the Select Committee, and I hope that in view of the position being as I have stated Dr. Moreno will not think it necessary to press his motion.

(Babu Amulya Dhone Addy having risen in his seat)——

Mr. PRESIDENT: I am afraid, Mr. Addy, you are a little too late as the Hon'ble Member in charge has already replied. But as a special case I am prepared to allow you.

Babu AMULYA DHONE ADDY: The proposal of Dr. Moreno is a very modest one. He has not proposed that the Bill be passed, but he has simply proposed that it be referred to a Select Committee for consideration and report to the Council at the next session. I am really sorry to find that Government wants to shelve the matter. In the year 1924, when our esteemed friend, the Deputy President, Dr. Suhrawardy, submitted a Bill for the prevention of cruelty to animals, we were assured by the Government that the matter would receive consideration as early as possible and that the Act I of 1920 would be enforced without further delay. On that assurance, Sir, I distinctly remember, I opposed the Bill of Dr. Suhrawardy. Now, I find, Sir, that even the Bill which has been introduced by Dr. Moreno is going to be opposed on the same ground. Sir, we all know the scarcity of milk in Calcutta; we all know the heavy rate of infant mortality which is to some extent due to the scarcity of milk; we all know that the number of cattle slaughtered in Calcutta has been going up by leaps and bounds from year to year. And what is the reason? The main reason is the practise of *phuka* which is very rampant in Calcutta. Dr. Moreno states that that should be put a stop to without further delay. Sir, we are really surprised to find that though the Bengal Act I of 1920 has been passed, it has not been enforced by

Government as yet. It may be said that it is due to laches on the part of the Corporation of Calcutta, I admit it is so. But what has the Government done as yet? Practically nothing. Sir, it is proposed by Government that the work of supervision be entrusted to the Society for the Prevention of Cruelty to Animals. Sir, it has already been done and I submit that practically no progress has been made in reference to that. I admit that so far as the punishment is concerned it is the same in this Bill as in the Bengal Act of 1920. But as regards supervision under the Bill of Dr. Moreno it is going to be entrusted to the Corporation of Calcutta. Now the opinions of public bodies having been asked for on this question even the Corporation of Calcutta—and even the Society for the Prevention of Cruelty to Animals—have supported the Bill. Sir, with these few words, I beg to support the motion of Dr. Moreno for referring the Bill to a Select Committee, and we shall be very glad to have the suggestions of Government in this matter at the meetings of that committee.

The motion that the Bengal Phuka Bill, 1925, be referred to a Select Committee was then put and lost.

The Bengal Pasture Bill, 1925.

Dr. H. W. B. MORENO: I move that under the proviso to Standing Order 6(2), the Bengal Pasture Bill, 1925, be continued. It is merely a formal motion. I intend later on to refer the Bill when I shall ask for the Bill to be referred to a Select Committee. I reserve my remarks for the present. I hereby formally move that the Bill be continued.

The motion was put and agreed to.

Dr. H. W. B. MORENO: I now move that the said Bill be referred to a Select Committee consisting of the Hon'ble Nawab Bahadur Saiyid Nawab Ali Chaudhuri, Khan Bahadur, Rai Badridas Goenka Bahadur, Mr. Tarit Bhusan Roy, Mr. Byomkes Chakravarti, Mr. A. C. Banerjee, Mr. S. C. Mukerji, Babu Jatindra Nath Basu, Mr. N. C. Sen, Babu Debi Prosad Khaitan, Mr. K. C. Ray Chaudhuri, Babu Amulya Dhone Addy, Mr. P. N. Guha, Babu Charu Chandra Das, Rai Abinash Chandra Banerjee Bahadur, Mr. D. J. Cohen, Mr. S. N. Roy, and the mover with instructions to submit the report for consideration at the August session of the Bengal Legislative Council and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Sir, I am afraid that there is a good deal of misapprehension concerning the Bengal Pasture Bill, 1925, and I should like to set at rest some of the false notions that have arisen in the minds of some of the members of this Council. There is an apprehension both

on behalf of the landlord class and the tenant class that the Bill, when passed as an Act, will go to take away whatever little plots of land there may be available for cultivation, that such plots will be converted into pasture grounds, with the result that both the landlords and the tenants will suffer. I think nothing can be further from truth; anybody who has taken the trouble of reading the provisions of this Bill will find that the Bill provides for nothing more than this. It gives power to Government or to the authorities concerned to keep secure pasture lands which were originally set aside as pasture lands, to maintain them as such without their being infringed upon by others and to acquire pasture lands where such pasture lands are deemed necessary for the upkeep and maintenance of the cattle of that area. It is, therefore, only an enabling Bill; it is not a Bill that will immediately set the machinery in motion for the forced acquiring pasture lands over the length and breadth of Bengal. It is merely a Bill that will give power to the authorities concerned, when they need, to exercise such power for the acquisition of pasture lands for the maintenance of cattle. So that there need be no fear that the Bill, when passed, will deprive the people of the rights they may now possess. There is not the least doubt that our cattle are steadily deteriorating here in this province. The Hon'ble Nawab Bahadur Saiyid Nawab Ali Chaudhuri in the Conference held recently deplored with others this circumstance that the cattle were steadily deteriorating and admitted that some acton was necessary to prevent what was considered to be a very deplorable condition of things. Now, this Bill will help to relieve to some extent the condition of these poor animals for it will help to keep the pasturages, it will help to keep lands inviolate for the growing of fodder crops or for pastures for these animals.

In other countries the milk supply of a cow averages about 10 seers or more, say, in Denmark or in Holland; here in Bengal according to the latest statistics it is barely half a seer, so that the cattle cannot be said to supply the requisite quantity of milk. What is it due to? It is due simply to the fact that there is not sufficient sustenance for these animals which are left starved to eat what little they can by railway embankments and other small strips of lands. Here in Bengal, where people are so much dependent on milk and milk products, anything which causes a steady decline in the supply of milk should be openly condemned. Not long ago I remember reading of a person who came to Bengal and was travelling through the province; on merely looking at the cattle by the railway embankments, he said that Bengal must be a very poor province because the cattle were in such a deplorable condition. The cattle affect the prosperity of the people and the poverty of the people in its turn affects the cattle. I hold, therefore, Sir, that if nothing is done for the improvement of the cattle, the people will in their turn suffer. It is a false policy, it is entirely

a short-sighted policy, to say that when there is barely ground enough for the growing of crops for the people what is the good of preserving grounds for crops for the cattle? I say that is a decidedly short-sighted policy, for every one knows that in Bengal, as in most of the other provinces of India, the prosperity of the people is bound up with the improvement of their cattle. Not only does the milk-supply enter so largely into the daily consumption of the people, including infants, in the province, but the cattle help to carry the loads of the province and they do the ploughing in the village areas, so that every attempt should be made to protect these useful and valuable animals from steady deterioration. I say, therefore, that I can see nothing for the members of this Council to lead them to disagree with the provisions of a Bill of this nature. I know there have been rumours spread about this Bill, that it is a Bill which will deprive many people of their immediate rights and privileges. I hold that to be an entirely erroneous notion and, as I said before, anybody who takes the trouble of reading the provisions of this Bill should rest satisfied on that point. I, therefore, Sir, move that this Bill be referred to a Select Committee; and I trust that the members of this Council will put aside all bias and all prejudice and be guided solely by the interests of the people of this province and will allow this Bill to be passed. If there are defects in the Bill and in which Bill are there not defects? it is the committee which will set right and remove these defects. Why condemn a Bill entirely before it is scrutinised? If there be any defects, leave it to the committee, let them put things aright. I say that if you reject this Bill now you will be open to the accusation that you are acting with prejudice. I, therefore, trust that the members of this Council will accept this Bill with an unbiassed mind and will allow it to go to the committee stage, so that it may come out more perfect and be more acceptable to the members of this House. With these remarks, Sir, I move that the Bill be referred to a Select Committee.

Babu AMULYA DHONE ADDY: Sir, I strongly supported Dr. Moreno when he moved for the introduction of this Bill in this Council, because I am strongly of opinion that because of the inadequacy of pasture grounds in Bengal the outturn of food-crops is much less than they ought to be with the result that the prices of food-grains have become very high and the rate of mortality, especially of infant mortality, is going up by leaps and bounds in Bengal. Sir, it is proposed to refer this Bill to a Select Committee; this is the proper time to discuss the principles of the Bill. Now, I have gone through the Bill very carefully and I find that it can be divided into two parts: First of all there is the question of the acquisition of lands for pasture grounds. With regard to that, Sir, I have not the slightest objection; on the

contrary I support the principle. Then, secondly, we have the question of the recovery of lands which were once used as pasture grounds. With regard to that, Sir, I am strongly opposed to it. If it is referred to a Select Committee and if I am allowed to move for the omission of those clauses which refer to that matter, then I will not raise my voice at this stage and if, for argument's sake, I am not allowed on a question of principle to move for the omission of those clauses, then I shall ask your permission to make a few observations on that point. I may repeat that I am strongly opposed to the recovery of lands which were once used as pasture grounds, say, a century ago and which have been brought under cultivation by poor raiyats, without payment of any compensation. I am opposed to the setting aside of the claims of the poor raiyats by the Collector, and I am opposed to the procedure under which the aggrieved party has no right of appeal against the decision of the Collector. If I am allowed, Sir, to raise these questions of principle at the meetings of the Select Committee then I will support it, otherwise I shall be under the painful necessity of moving the amendment that in line 2 of the motion after the word "Bill" the following words be inserted, *viz.*—"except the clauses on the recovery of pasture lands." Sir, I want your ruling on this point and after that I shall take your permission to speak, if necessary.

Mr. PRESIDENT: What is your point of order?

Babu AMULYA DHONE ADDY: May I be allowed to move that after the word "Bill" in line 2 of the motion the following words be inserted, *viz.*—"except the clauses on the recovery of pasture lands." I have already given notice of this amendment.

Mr. PRESIDENT: I think you have got a letter by this time.

Babu AMULYA DHONE ADDY: I have not received any.

Mr. PRESIDENT: Under section 52, clause (2), no amendments to the Bill may be moved at this stage. This is the rule and as what you suggest is an amendment to the Bill it cannot be allowed.

Babu AMULYA DHONE ADDY: Sir, if it is referred to a Select Committee, may I be allowed to raise this question in the committee?

Mr. PRESIDENT: If you are in the committee, perhaps you may.

Babu AMULYA DHONE ADDY: Thank you Sir.

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur: Sir, Government have every sympathy with the member in charge of the Bill in his anxiety to provide for grazing reserves in

Bengal. It is an admitted fact that there has been a gradual restriction in the grazing facilities in Bengal, but the remedy which it is sought to effect in the Bill, is of such a drastic nature that it behoves the Council to carefully ponder over its provisions.

The question of reservation of pasture land and of legislation for the purpose has been very frequently discussed in the past both outside and inside the Council. I do not propose to go over the matter again at some length. Although undoubtedly it may be a great advantage to have grazing grounds for cattle, we have the opinion of no less an authority than Voelcker that there are no grounds for regarding their provision as an absolute necessity, as it does not appear that "where grazing is the most plentiful the best cattle are always to be found." The economic aspect of the question is also one which is always apt to be overlooked. In his Cattle Census Report Mr. Blackwood pertinently remarked: "It is desirable to draw attention to the danger of legislation which aimed at attempting to frustrate an economic tendency." In his speech in the Council in February, 1919, Sir John Cumming pointed out that the problem was an economic one. Waste land was being brought under cultivation because it paid better to grow crops in it than to reserve it for grazing purposes. He further remarked: "Government has at present no control over the extension of cultivation in ordinary private estates and legislation on the subject would effect many vested interests, and would be attended by very grave difficulties." In my speech in the Council in July, 1923, in connection with this familiar question of pasture land I also had occasion to explain the various aspects of the problem and finally drew attention to the fact that the "history of the vanished pastures of our country is a history of inevitable economic development in inevitable circumstances."

Turning now to the principles of the Bill I venture to point out that the acquisition of pasturage in the manner indicated in Chapter II and the forcible expropriation of land apparently without any compensation provided for in Chapter III are matters which seriously affect the interests of landlords and tenants. Chapter III completely ignores the fundamental doctrine of individual ownership or subsidiary rights whether acquired by grant or by simple possession; and proceedings under that Chapter would interfere with the rights conferred by the permanent and other settlements. There would also be confiscation of existing rights.

Further, the power of taxation, which it is proposed to give to the local bodies, would be very unpopular and judging from past experience in the matter of taxation by Union Boards it is undesirable to introduce legislation for fresh taxation by Village Union Boards. The Village Unions as self-governing bodies are already unpopular enough and it is extremely undesirable to take any measure which is calculated to make

them more unpopular. The cost of acquiring pasture grounds will be prohibitive and the proposed utilization of lapsed landlords' fees for the purpose which Sir John Cumming characterised as an entirely immature suggestion of doubtful legality will, if given effect to, only touch the fringe. The proposal for the opening of forest areas for free and unrestricted grazing of cattle is opposed to the general principles of forest preservation and such a measure would only benefit a very small proportion of the population. This would supply only a very partial and a very local remedy. In this connection I would refer the Council to the opinion offered by the British Indian Association on the Bill in which they have drawn attention to its objectionable portions.

On general economic grounds, I am doubtful of the utility of the Bill. Nevertheless, I realise that the subject is one of pressing importance and universal interest. It is not unlikely that some of the more objectionable features of the Bill could be removed, or remedied in committee and, in any event, a more complete study of the subject than is possible in the Council is desirable. I therefore do not oppose the motion.

Dr. H. W. B. MORENO: I should like to say a word or two by way of reply to what Mr. Addy has said concerning this Bill. He opposes Chapter III of the Bill on the ground that lands will be taken away from the villagers and no compensation offered to them. May I remind Mr. Addy that this is only for the recovery of pasture lands, lands which were formerly used for pasturage and were encroached upon by them. Under the Act if it were passed, the lands will be taken away from those who have infringed those rights and they will be kept as pasture lands which they originally were, in which case no compensation is necessary to those who now hold them.

Mr. Addy says that he has several other suggestions regarding this Bill to put before the Select Committee. I may tell him that he is a member of the committee; when the Bill is in the committee stage he is at perfect liberty to put forward any amendments that he may care to put forward concerning the Bill.

I am heartened by the speech of the Hon'ble Member in charge of the Department of Agriculture who is entirely in sympathy with the principle of the Bill, though he may be opposed to some of the drastic provisions contained in the Bill. If there be anything very drastic in the Bill, surely it is not right at this stage to oppose the Bill in its entirety but to see that when the Bill is put into the committee stage these drastic provisions are toned down. Merely to stand up and condemn things and all the efforts made by non-official members to improve the status of the cattle of the province—merely, I say, to condemn these things and oppose them on the ground that they are not suitable to Government, is not a praiseworthy position to take.

I am glad, therefore, that Government does show some sympathy here to non-official efforts in this Council in this instance. With these remarks I ask that the Bill be referred to a Select Committee.

The motion that the Bengal Pasture Bill, 1925, be referred to a Select Committee was then put and agreed to.

The Calcutta Rent (Amendment No. II) Bill, 1925.

Dr. H. W. B. MORENO: I move formally under the proviso to Standing Order 6 (2), that the Calcutta Rent (Amendment No. II) Bill, 1925, be continued.

The motion was put and agreed to.

Dr. H. W. B. MORENO: I move that the said Bill be referred to a Select Committee consisting of the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur of Nadia, Mr. S. N. Roy, Hadji Mr. A. K. Abu Ahmed Khan Ghuznavi, Maulvi Md. Nurul Huq Chaudhury, Khan Bahadur Maulvi Abdus Salam, Mr. Mahbubul Huq, Babu Amulya Dhone Addy, Mr. K. C. Ray Chaudhuri, Mr. A. C. Banerjee, Babu Debi Prosad Khaitan, Mr. S. C. Mukerji, Babu Satya Kishore Banerjee, Dr. A. Suhrawardy, Khan Bahadur K. G. M. Faroqui, Dr. Mohini Mohan Das, Mr. H. S. Suhrawardy and the mover, with instructions to submit their report for consideration at the August session of the Bengal Legislative Council and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

The Calcutta Rent (Amendment) Bill now before this House has been so much discussed and talked about that the Bill has practically become a classic. There are really two sides to this question, the landlords' side and the tenants' side. I do say that so far as the rapacious landlords are concerned I use the word "rapacious" here deliberately - there is a real need for a Bill of this kind. These people would not only like to abolish the Bill but would also like to abolish the mover and all his supporters together. There is no denying the fact that the Calcutta Rent Act, even in its original crude form, has done some good for the protection of tenants here in Calcutta, though it may not have done all that it was expected to do. It has done some good for the protection of tenants from the attacks of these rapacious landlords. There are landlords who have the best feelings towards their tenants but laws are meant for the protection of the weak as against the strong. The Rent Act, as it is at the present moment, is full of anomalies and defects; they have been found out while the law has been put into operation, by the Rent Controller and by the Calcutta High Court. Most of, if not all, these anomalies and defects are going to be set right in this Bill and no one with any sane judgment will decline cleansing the Bill of its defects. The only arument that can be advanced against this Bill is that the life of the Act is a very short

one: it will expire by the end of March, 1927, and, therefore, there is no need at the present time to change any of its defects; that, I take it, is a very weak argument. Whatever may be the life-time of the Act, if there be found defects they should be set right now. The delay in introducing this Bill is not due to my fault, it is certainly due to a concatenation of circumstances beyond my control. What is there to prevent—if the Act is modified—to its extension? In the face of all opposition, was not the Calcutta Rent Act extended in this very Council by my instrumentality, for three years longer, although Government opposed it openly in this Council? What is to prevent its extension again if any member or myself were to come up before this Council and ask for the extension of the Rent Act if the extension be found needful for the protection of the tenants of this city? If this Act, therefore, be extended for another two years what is there to prevent it; and what harm is there in putting the defects right now? Those who are opposed to the extension of the Act, have the right of holding their own opinion; but there are others; and I hold that a very large majority of the people of Calcutta are in favour of this Act. For those who have been oppressed by landlords, not of the right type, I say, for them it is necessary to have an extension of the Rent Act. There is not the least doubt that the state of things now found in Calcutta can be bettered. I speak only of those houses which are covered by this Act and which fetch a rent of Rs. 250 downwards. If the present Act ceased at the end of 31st March, 1927, there would be a state of panic in Calcutta and a state of disorder, for the reason that the landlords would be placed in a position of terrible advantage and they would soon take steps to get back what they have lost.

I openly say it is my intention to press for the extension of the Rent Act for another two years at the next session of the Council; whether Government are opposed to it, is another matter; that can only be decided by a majority of votes in this Council and if the majority is on my side the Act will be extended. I ask now that those defects and anomalies which have been found out both by the landlords and the tenants should be set right and I think no member of this Council should oppose a Bill of this kind which endeavours to put right those defects.

With these remarks I move that the Bill be referred to a Select Committee to set right the defects and anomalies which have been openly referred to both by the courts and by individuals concerned.

Babu AMULYA DHONE ADDY: I am sorry I cannot but oppose this motion of my esteemed friend, Dr. Moreno. He has expressed the opinion that the Rent Act should be extended for another two years, otherwise, after the expiry of the Act on the 1st of April next year, there would be great panic in Calcutta. He has, therefore, suggested the remedies as embodied in the present Bill. I will show to you,

Sir, that it is not only unnecessary to extend this Act but also that the remedies that he has suggested are worse than the disease itself.

As regards the question whether it is necessary or not I beg to submit that the necessity for the Act no longer exists. In addition to what I have stated at the last session of this Council with regard to the fact that the necessity for the continuance of the Rent Act in Calcutta no longer exists, I beg to mention the opinions of some of the public bodies on the same point before I proceed to show the defects of the Bill of Dr. Moreno.

The Bengal Chamber of Commerce says: "The Committee are of opinion that the necessity for the continuance of the Rent Act in Calcutta no longer exists. As a matter of fact capitalists are feeling shy to invest in Calcutta landed property and consequently the number of new buildings is not increasing as rapidly as the case would have been if the Rent Act had not been enacted. The Improvement Trust has opened up large residential areas and had these sites been utilised for building purposes the law of demand and supply would have operated in bringing down rents to a reasonable level."

The Corporation of Calcutta says: "In view of the fact that the Rent Act is due to expire in March, 1927, and in view of the general improvement in situation, further extension of the Act is neither desirable nor necessary."

In the opinion of the Calcutta Improvement Trust "no amendment of the Rent Act is necessary in the present circumstances. The necessity for the Rent Act itself has largely disappeared, because land values in Calcutta have gone down and prices of building materials have decreased considerably. Vacancies in house property are numerous and there has been considerable reduction of rent all over Calcutta. The Rent Act will expire at the end of March, 1927, and the Trust consider that it is not necessary to amend the Act for this short period."

The British Indian Association as well as the Marwari Association are also of the same opinion.

I shall now draw your attention to the objections of the several public bodies clause by clause.

As regards clause 2, it is very difficult to find a standard of "necessary furniture" of a house, which may vary with the taste and requirements of different tenants and as the furniture in a house may not always be commensurate with the rent of the premises, I think that the law should remain as it is and the amendment proposed in clause 2 of the Bill is unnecessary and may lead to great complexities. It would be very difficult to standardise the hire of furniture and I do not see what connection the standard of hire of furniture, that may be found in any house, has with the standard of rent, because the value of the furniture has no relation to the value of the property.

The procedure for determining standard rent should be as simple as possible and the insertion of the words "whether furnished or unfurnished" in clause (*e*) of section 2 of the Act is not desirable as it will introduce various complications in the determination of standard rents.

As furniture consists of perishable articles and as it is difficult to lay down a common standard for all kinds of furniture, clause 2 of the Bill will create new anomalies in the Rent Act.

Then, Sir, the European Association is of opinion that there does not appear to be any good reason why the words "and performs the conditions of the tenancy" should be omitted. It would be unreasonable to protect a tenant who pays the standard rent while refusing to perform other express terms of his contract.

The proposed amendment of sub-section (*1*) of section 11 is, in my opinion, unnecessary. It appears to me that the object of the amendment is to do away with the words "and performs the conditions of tenancy."

Mr. PRESIDENT: Mr. Addy, are you not going a little unnecessarily into details? Under the rules you are only entitled to discuss the general provisions of the Bill.

Babu AMULYA DHONE ADDY: I wanted to explain to you, Sir, that every clause has been objected to by the several public bodies of Calcutta to whom this Bill had been referred. I have, therefore, stated that the remedy which has been suggested by my friend is worse than the disease itself. Even a committee which was appointed by Government to report on land values and rents of Calcutta stated that the Rent Act was inadvisable. Experience shows that as soon as attempts are made to control economic laws it is impossible to restrict interference at a particular point. The committee further stated that the control of lands in England was accompanied by Government undertaking on a very extensive scale the erection of houses. I would now draw your special attention to the Statement of Objects and Reasons in the Government Bill of 1923. The Hon'ble Sir Surendra Nath Banerjea on behalf of Government was pleased to state that though the Act was undoubtedly imperfect, on the whole it had served its purpose and the proposed extension would be for a short time only. He further stated that rent control can only be justified as an emergent measure, and in introducing the Bill to extend the Act he placed on record his definite opinion that at the end of March, 1924, such control should cease. Here is a sacred assurance that the Government gave to the Council through Sir Surendra Nath Banerjea. He said that circumstances had materially changed since 1920, and the supply of houses was more than the demand, and there was no necessity for an emergent measure like this. Therefore, it was unnecessary to extend

the Act further beyond the 31st March, 1924. Notwithstanding that assurance I am really sorry to find that this Council has ignored the sacred assurance of Government and extended it up to March, 1927. Under these circumstances and having regard to public opinion in this matter I do not think we should be justified in extending this Act.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: Government oppose this motion. They were opposed on broad grounds of policy to the extension of the Calcutta Rent Act until March, 1927. Consequently Government do not now feel themselves responsible for the Act and for any flaws that there may be in it. If the Council wishes to have the Act amended it must take upon itself the responsibility of doing so. The object of this Bill is to remove certain defects and anomalies due to interpretations of the provisions of the Act by civil courts. The Act will expire on 31st March, 1927, which is less than nine months hence. The committee is asked to submit its report for consideration in the next session of the Council, which will be in August. The Act will cease to operate only some seven months after the Council has finished with it. The Council will agree that it would be a mere waste of time and labour to try to rejuvenate an Act which may be said to be already on its death-bed. Mr. Addy, perhaps, felt a little bit nervous when Dr. Moreno threatened to bring in a motion for the extension of the Act. He has delivered a long discourse on every clause of the Bill which was obviously meant for the Select Committee. It is significant also that the Calcutta Corporation have discussed this Bill and have expressed their opinion against it. I therefore oppose the motion.

Dr. H. W. B. MORENO: I should like first to deal with the remarks made by my erstwhile supporter Babu Amulya Dhone Addy and now my open opponent. He tells us that there is no necessity for any Rent Act and from Mr. Addy's point of view it is very helpful to propose anything which should go to raise the rents of houses in Calcutta some of which Mr. Addy himself possesses. Now Mr. Addy tells us what the National Chamber of Commerce has said concerning the Act and what two other associations have also said, but he has omitted to put before the Council what the Tenants' Associations have had to say—and they are many—with regard to the extension of this Act. It is obviously unfair to tell the Council that what he quotes is the public opinion of the people of Calcutta; he quotes only the opinions of the landlord classes and omits to state what the other side has had to say. It is only giving the Council a partial and unfair opinion on the whole matter. With regard to land values and house-rents of which Mr. Addy speaks, I would ask him to take a walk with me along the many streets in the heart of Calcutta and see the houses which are to let. If he would go into them and inquire about the rents of some of these dingy houses with insanitary surroundings,

I am afraid he would find that rents in Calcutta have gone up considerably and that the law of supply and demand is not yet met. I speak specially of the houses which the middle class people—Anglo-Indians and the *bhadrolok* classes—occupy. There has been a migration as it were to all these houses both by Europeans, Anglo-Indians and Indians, hence the congestion. I can assure the House that all this is the result of personal inquiries from people whom I have met—people who have been directly affected by these high rents—and I say that the state of things in Calcutta is far from normal so far as the houses for the middle classes are concerned. The law of supply and demand has been satisfied so far as the larger houses are concerned, but I must remind Mr. Addy that the Act does not apply to such houses and it is for Mr. Addy to show to the Council whether these houses are available to the middle classes. Then, again, Mr. Addy talks of the sacred assurance given by an hon'ble member in the past, but he forgets the more sacred principle that the Council is not bound by any sacred assurance given by any member of the Council however dignified his position might be. Such matters are only held as sacred when decided by a majority of votes in the Council.

With regard to the remarks of the Hon'ble the Maharaja Bahadur, I must say that he has put up a very weak opposition on behalf of Government. All that he has to say is that the Act is in a dying state and that therefore there is no use setting things right and that if anything is to be done with regard to it it should be done by the next Council. Does the Maharaja seriously say that it is not possible for any member of the Council to press for the consideration of the Bill at the August session of the Council? Sir, we are not to be guided by the vague expressions of a Maharaja. I hold that if the admitted defects and anomalies in the Act are to be remedied, it is within the rights of this Council to do so.

Babu AMULYA DHONE ADDY: May I say a few words by way of personal explanation? Dr. Moreno has observed that I am opposed to the Bill because I am a landlord. I beg to submit that as a representative of the Bengal National Chamber of Commerce which consists of persons interested in trade and commerce in this city, I have felt it my duty to oppose the Bill and I have done it accordingly.

The motion that the Calcutta Rent (Amendment No. II) Bill, 1925, be referred to a Select Committee was then put and a division taken with the following result:—

AYES.

Ahmed, Maulvi Tayebuddin.
Ahsanullah, Mollah.
Ali, Maulvi Sayyed Sultan.
Banerjea, Rai Bahadur Abinash Chandra.
Bayten, Mr. H.
Chowdhury, Maulvi Fazlal Karim.
Ghaznavi, Hadji Mr. A. K. Abu Ahmed Khan.
Haq, Khan Bahadur Kazi Zahirul.
Haq, Shah Syed Emdadul.
Hossain, Nawab Musharruf, Khan Bahadur.
Lal Mahammed, Haji.

Moreno, Dr. H. W. B.
Quader, Maulvi Abdul.
Rahim, Sir Abd-ur-
Ray, Babu Nagendra Narayan.
Suhrawardy, Dr. A.

NOES.

Addy, Babu Amulya Dhone.
Banerjee, Babu Satya Kishore.
Basu, Babu Jatindra Nath.
Birley, the Hon'ble Mr. L.
Chakravarti, Mr. Byomkes.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Cooper, Mr. C. G.
Das, Rai Bahadur Amar Nath.
Davie, Mr. J. Couper.
De, Mr. K. C.
Donald, the Hon'ble Mr. J.
Drummond, Mr. J. G.
Heard, Major General Richard.
Hodgson, Mr. R. C.
Hogg, Mr. C. P.
Hopkyns, Mr. W. S.
Khaitan, Babu Debi Prosad
Lindsay, Mr. J. H.
McAlpin, Mr. M. C.
Meberty, Mr. A. N.
Patterson, Mr. D. C.
Ray, Babu Surendra Nath.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra.
Roy, Mr. S. N.
Roy, Raja Maniloll Singh.
Stapleton, Mr. H. E.

The Ayes being 16 and the Noes 26, the motion was lost.

The Calcutta Domestic Servants' Registration Bill, 1925.

Dr. H. W. B. MORENO: I formally move under the proviso to Standing Order 6 (2), that the Calcutta Domestic Servants' Registration Bill, 1925, be continued.

The motion was put and agreed to.

(At this stage the Hon'ble the President left the Chamber and the Deputy President took the Chair.)

Dr. H. W. B. MORENO: I move that the Calcutta Domestic Servants' Registration Bill, 1925, be referred to a Select Committee consisting of the Hon'ble Mr. J. Donald, Raja Maniloll Singh Roy of Chakdighi, Maharaj Kumar Sris Chandra Nandy, Maulvi Md. Nurul Huq Chaudhury, Khan Bahadur Maulvi Abdus Salam, Mr. S. N. Roy, Mr. Mahbubul Huq, Mr. Tarit Bhusan Roy, Mr. D. J. Cohen, Babu Amulya Dhone Addy, Mr. A. C. Banerjee, Mr. K. C. Ray Chaudhuri, Rai Abinash Chandra Banerjee Bahadur, Babu Debi Prosad Khaitan, Mr. S. C. Mukerji, Mr. H. S. Suhrawardy, Babu Satya Kishore Banerjee, Dr. A. Suhrawardy, Dr. Mohini Mohan Das, Hadji Mr. A. K. Abu Ahmed Khan Ghuznavi, Maulvi Sayyed Sultan Ali, Khan Bahadur K. G. M. Faroqui, and the mover, with instructions to submit their report for consideration at the August session of the Bengal Legislative Council and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Sir, this Bill aims at the relief of a real trouble in Calcutta. It is a trouble which is found more in poorer homes than in homes which are more affluent. . . .

(At this stage the Council was adjourned for 10 minutes.)

(After the adjournment.)

Dr. H. W. B. MORENO: I shall continue with my arguments concerning the Calcutta Domestic Servants' Registration Bill. The Bill does not, I say, very seriously affect the affluent members of the European or Indian communities in Calcutta or even those who are now found sitting on the Government benches. With regard to them they have servants in abundance. They take them to the hills to enjoy the cool atmosphere on those Olympian heights or if they happen to be kept here in Calcutta they are given certain allowances. So far as those servants are concerned there can be no cause for a Bill of this kind. But the case becomes different when we contemplate the position of the middle class people in Calcutta. What do we usually find? We find that all the better class servants are employed in better class houses and we find the worst men, of a nondescript type, wandering about the streets of Calcutta seeking for employment. Most of them will take up any "job" that comes in their way; some of them have previous convictions and some of them are addicted to pernicious habits such as the drug-taking habit or what is worse, the purloining habit. They get entry into houses and pretend to be useful in all sorts of ways. As soon as they secure the first opportunity when the master is away, or when the road is otherwise clear, they decamp from the house with whatever they can lay their hands on. There is no possibility of finding them out in Calcutta. They are lost in the crowds and the police are powerless. If these servants are taken before the courts and punished, employers know well that they will get much worse servants in their stead. Very few cases come up to our police courts as very few masters and mistresses care to seek redress in the courts for the simple reason that the police courts like other courts suffer from "the laws delays." There is also no knowing, whether for the want of sufficient evidence the cases will end in an acquittal with the result that these servants will be free to secure new appointments anywhere else. The middle class people of the European, Anglo-Indian or Indian communities are thus exploited by these servants who leave one house and take up employment in another to continue in their nefarious practices. This state of things calls for immediate redress.

In this Bill I have provided that the registration of servants should be optional, and some have taken me to task for not making it compulsory. I admit that compulsory registration is the ideal to which we should all strive. I thought it, however, advisable to introduce only the thin edges of the wedge at the present time making it possible to introduce legislation of a compulsory nature later on.

This registration of servants will be of advantage to both master and servant. If a good servant gets himself registered the employer will then have some knowledge as to his antecedents and will be able to place trust and confidence in him which will enable the servant to secure higher wages. The advantage to the servant is that if he is not paid by his dishonest master he can go to the court and produce his register as

evidence that he has served for such a period of time and that for frivolous reasons he was dismissed and not given his wages. My Bill, therefore, cuts both ways—it is of advantage to the master as well as to the servant. Good servants will have thus no difficulty in getting into good houses.

I find that the registration of domestic servants is made compulsory in the Malay States, in Ceylon and in some of the cantonments in India. Sir, if it works satisfactorily in those places what harm is there in introducing registration in Calcutta? In considering this Bill the members of this Council should remember that most of the people of Bengal, including those of Calcutta, belong to the middle class, and that they should then take a broad view of things and grant the passing of this Bill, which is to protect the middle class people being victimised by such domestic servants. My only reason for not making the conditions compulsory is that I was afraid that there would be a howl raised all round Calcutta that I was bringing about a state of slavery in Calcutta. I trust that Government will show some sympathy towards this Bill, as they have shown to my previous ones, and I hope that the members of this House, though they may not be directly affected, being in more affluent circumstances, will yet support the measure for the reason that others are more adversely affected and it is the duty of this House to protect the interest of any class of people when they are the victims of the nefarious onslaughts of others.

The Hon'ble Mr. J. DONALD: Sir, this question of the registration of domestic servants is a very old one and Dr. Moreno has been himself interested in it at least since the year 1904. The first time this question was brought up was in the year 1863. It was brought up again in 1877, in 1878, 1879, 1899, and 1904 and every time the answer given was that this was not a matter in which Government should interfere and that if anything was required it should be done on a voluntary basis. We have not heard from any servants or any class of servants that they want a measure of this sort. The Anglo-Indian Association, of which Dr. Moreno was the Secretary, is the only Association which has moved in this matter. We have heard from them but there has been no inquiry or any complaint from any one or any other Association, although I think the Calcutta Trades' Association was the original mover—as long ago as 1863. Well, the position is very much the same to-day as it was then. This is a measure which is better dealt with voluntarily than by legislation. When this Bill was introduced there was an objection, and Dr. Moreno explained that the scheme was voluntary and optional—there is no compulsion. But if you read the Bill, Sir, you will find that the mover begins with voluntary registration and then goes on with obligations all of a compulsory character. The registration

is optional at the election of the master or the servant. This may be so, but as soon as a registered servant is employed, the employer, whether he knows the fact of registration or not, is at once placed under certain liabilities. Therefore, Sir, it is no good trying to make out that the Bill is voluntary. But there is still a greater objection to this Bill. The Registrar must be satisfied that an applicant is a fit and proper person to be employed in domestic service, and is not a thief or an associate of thieves or is known to the police to be leading a disorderly or disreputable life. Where is the Registrar going to get that information from? Is it not the police from whom he is going to get that information? Then, why not make an officer of police the registering officer? This is quite out of the question—we cannot have the police dealing with matters of this kind; it would open the way to all sorts of irregularities. It is quite easy—it may be quite easy—in a small city, in a cantonment, where every servant must be known for the Registrar to know if a man is of bad character, but this is not at all possible in a big city like Calcutta. It is impossible to work the scheme anywhere except in small places. On these grounds, Sir, I oppose the motion.

Dr. H. W. B. MORENO: Sir, I have found to my cost that the Hon'ble Mr. Donald is an adept at finance, for I have sat with him on the Public Accounts Committee for more than one year, but I had never, to this moment, discovered that he was a historian of no mean order. (Laughter.) He has quoted dates and events, with all the alacrity of a savant. He was good enough to point out that in 1904 I had raised this question as Secretary to the Anglo-Indian Association. That shows that a real necessity has been felt all this while by my community, along with others; and if I am pressing for such an Act, now in 1926, it is because that conditions are certainly more acute than they were in 1904. With regard to the criticism of the Bill granting that the Hon'ble Mr. Donald is right in what he says that I begin with voluntary registration in the Bill and end with compulsory registration, which is most inconsistent—granting, for argument's sake, that I have done so, it all the more strengthens my argument that this Bill should be put to the committee stage; if there are any defects they will be remedied and put straight there. The Hon'ble Mr. Donald says that masters will be seriously inconvenienced. Well, you have to put up with a little inconvenience if you want the right thing and if you want to have yourself protected. You must abide by the regulations as laid down in the Bill, if you desire its wholesome provisions to protect you. With regard to the difficulty of ascertaining whether a servant was previously a thief or not, I think there is very little in that argument, for I take it that the police are always ready to answer any inquiries which may be referred to them. I therefore, think, Sir, there is very little substance in the argument

of the Hon'ble Member in charge of the Department concerned in this connection. I would, therefore, ask the members of this House to keep an open mind and to have this Bill admitted to the committee stage. If there be any thing wrong in the provisions of the Bill they can be set right by the committee itself. That similar ordinances are working well in large areas such as Ceylon and the Malay States, which are certainly larger than Calcutta, is a sufficient argument that something should be done so far as Calcutta is concerned. I, therefore, move that the Bill be admitted to the Committee stage.

The motion that the Calcutta Domestic Servants' Registration Bill, 1925, be referred to a Select Committee was then put and lost.

The Bengal Cattle Bill, 1925.

Dr. H. W. B. MORENO: With some relief, Sir, I now come to the end of my labours this evening. I formally move that under the proviso to Standing Order 6 (2) the Bengal Cattle Bill, 1925, be continued.

The motion was put and agreed to.

Dr. H. W. B. MORENO: Sir, I move that the said Bill be referred to a Select Committee consisting of the Hon'ble Nawab Bahadur Saiyid Nawab Ali Chaudhuri, Khan Bahadur, Mr. Tarit Bhusan Roy, Mr. S. C. Mukerji, Mr. A. C. Banerjee, Mr. Byomkes Chakravarti, Mr. K. C. Ray Chaudhuri, Babu Jatindra Nath Basu, Mr. N. C. Sen, Babu Debi Prosad Khaitan, Rai Harendranath Chaudhuri, Babu Amulya Dhone Addy, Mr. P. N. Guha, Babu Charu Chandra Das, Rai A. C. Banerjee Bahadur, Mr. D. J. Cohen, Babu Surendra Nath Ray, Rai Badridas Goenka Bahadur and the mover, with instructions to submit their report for consideration at the August session of the Bengal Legislative Council and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Mr. DEPUTY PRESIDENT: Have you received the consent of the members who are to serve on the committee?

Dr. H. W. B. MORENO: I have, Sir.

This is the last of the three Bills that go towards the improvement of the condition of cattle here in Bengal. This Bill works in two directions: first, it sets right the anomalous position created by the recent judgment of the Calcutta High Court, and secondly, it gives power to District Boards to maintain stud-bulls with a view to improve the breed of cattle in Bengal. The Hon'ble Nawab Bahadur Saiyid Nawab Ali Chaudhuri at a recent conference said that the strain of cattle in Bengal was distinctly deteriorating, and, therefore, the milk supply of the province was diminishing. Sir, it has been proved by cattle experts that cows crossed by immature bulls or weaklings not

only have their strain affected, but even the quantity of milk is diminished, and that, therefore, it is of paramount necessity that the cattle of this province should be crossed by good pedigree bulls of which there is a lamentable lack in Bengal. Those who are acquainted with the history of this country know that from Vedic times it has been the custom on ceremonial occasions, such as *sradhs* and so on, to set free good stud-bulls which are blessed and set apart in order that they might go forth into the country, to improve the strain of the cattle of the country. By the judgment of the Calcutta High Court these animals have been declared as *res nullius* (no man's property), with the result that scavengers get hold of them, attach them to their carts and drive them for their own purposes. All sorts of people may capture these valuable animals and use them for their own ends, so that the very object for which this helpful ceremony was introduced in Hindu society has been defeated by this judgment of the Calcutta High Court.

This Bill will endeavour to set things right so far as that judgment is concerned. You will have these bulls looked after by District Boards and Union Boards. If bulls are looked after by such Boards, the authorities can charge small fees when their services are required; in this way their cost of maintenance will be lessened to a great extent. At the present moment they roam about the villages until they are captured by some self-seeking individuals. It may be said by some people that these bulls will be a source of nuisance in the villages over which they roam, they may be a source of destruction to the crops. Provision is made in this Bill for this eventuality and for the destruction of such animals, if they are found to be of no value and are destroying the village crops, just as we have a law for the destruction of the rogue elephant. We have a law for the protection of elephants because of their value to the people. Similarly we should protect those bulls which are let loose for a good purpose and are valuable. If they prove dangerous to society, provision is made for their destruction. There is a complaint in every village that there is not a sufficient number of stud-bulls of high pedigree, where then should we begin? We have had enough of Government reports and experts' findings. What we want is a Bill of this kind which gives a source for the free supply of breeding bulls. If this Bill is passed, District Boards and Union Boards will be able to keep good stud-cattle that may be of service to the country. As I have said before, if their services are properly utilised, the strain of the cattle of Bengal will be considerably improved and the milking capacity will be also increased. Everything will tend for the welfare of the masses. We know, Sir, that in Bengal milk is required not only for infants but milk and milk products are required for adults as well. A good deal of the work in Bengal in addition is done by our cattle. Ploughing is done by

our cattle and a good deal of transport of goods from village to station is done by cattle. Sir, in the present day cattle as seen in Bengal are not of the type they were years ago and I see no reason why, in our efforts to improve the condition of the cattle of Bengal, Government should oppose a Bill of this kind, especially when it is realised that it affects the welfare of the masses of Bengal. I therefore trust that Government will not veto this valuable measure with the usual stereotyped reply that there is no ground for such a Bill—as, indeed, there seems to be no ground in their opinion for any non-official Bill; I also trust that those members of this House who have the welfare of the people at heart will see that this Bill is allowed to go into the committee stage and any defects that it may now have, remedied by the Select Committee.

SHAH SYED EMDADUL HAQ moved that after the name of Rai Badridas Goenka Bahadur, the following names be inserted, namely:—

"Khan Bahadur Kazi Zahirul Haq, Maulvi Sayyed Sultan Ali, Maulvi Tayebuddin Ahmed, Nawab Musharruf Hossain, Khan Bahadur, Shah Syed Emdadul Haq."

He spoke in Bengali. The English translation of which is as follows:—

Sir, the Muhammadans start at the very name "Cattle"; such is the case now. True this Bill does not provide for the prohibition of slaughter but is not altogether free from objections. Ere this I once raised objections against this Bill but to no effect. Subsequently when such a Bill again came before this House, I again fought against it, but owing to the majority including the Swarajists not accepting my views my motion was lost.

Now as to the Bill being referred to the Select Committee, may I ask why the name of a single Muhammadan member, save and except the Hon'ble Member-in-charge, does not appear in the committee? Could not a suitable Muhammadan non-official member be found out for the committee? How can I say this has been due to mistake when I see my friend, Dr. Moreno, has not forgotten to mention the names of some Muhammadan members in his motion No. 8?

It is a matter of great regret that the names of the Muhammadan members have been omitted in the Select Committee. While I agree with my Muhammadan colleagues to put up a sturdy fight against the Bill being referred to the Select Committee, lest the motion for this Bill is passed, I move this amendment to insert some names of the Muhammadan members in it. As many Muhammadan members are absent to-day I move for the inclusion of names of those who are present and have given their consent.

Mr. J. CAMPBELL FORRESTER: I am quite in sympathy with the object of this Bill of Dr. Moreno and I am quite sure that anything that will go to improve the cattle of Bengal will be acceptable

to this House. But while I am quite in sympathy with the object of Dr. Moreno's Bill I should first of all wish to have some idea where Dr. Moreno was going to get his bulls from and that the bulls would be of practical use.

Mr. A. C. BANERJEE: I support Dr. Moreno's Bill whole-heartedly. It is a well-known fact that these bulls which are consecrated for public use and dedicated to the public on occasions of *Sradhs* and other similar ceremonies by the Hindus are captured particularly by people who want to bring them to Calcutta and sell them for scavenging carts and other similar purposes. These bulls belong to none, therefore if captured for purposes of sale or for purposes of slaughter no offence is committed. Government, I am afraid, will oppose with their usual perversness this Bill because Government have opposed other similar useful measures proposed by Dr. Moreno such as the Pasture Bill for no other reason except that there is no urgency for it or for some trivial reason. But what is going on in the mufassal?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur: A word of personal explanation. I have not opposed the Pasture Bill.

Mr. A. C. BANERJEE: In that case I congratulate the Government on the dawn of coming good sense. Anyway for once Government have shown that they can occasionally be on the right side and I hope that they will accept the Bill. As regards the amendment of Shah Syed Emdadul Haq I hope Dr. Moreno will accept the suggestion because it is only right that a large number of Muhammadan gentlemen should be on the Select Committee.

Maulvi SAYYED SULTAN ALI: Sir, I beg to oppose the resolution of Dr. Moreno. The hon'ble mover has failed to hit upon the right point regarding the decrease of the number of Brahmani bulls. He thinks that it is due to the fact that as the High Court has held it to be nobody's property they are taken away by the people.

But I think that the real cause is not there. In these hard days when the prices of food-stuffs and all other agricultural products have gone very high and as the fallow lands where these animals usually used to graze have become extinct the people cannot bear the loss caused by these animals. Under the present circumstances such bulls cannot be let loose to do incalculable harm to the poor and innocent cultivators. Another reason for which I oppose the resolution is that such animals are always a source of danger to the people and as a matter of fact some times kill men.

The breeding should be certainly improved but not by such bulls but by bulls specially kept for that purpose.

Another reason for which I object is that it will be a source of constant quarrel between the Hindus and the Mussalmans.

Babu AMULYA DHONE ADDY: I am extremely sorry that my friend on the left has opposed the motion of Dr. Moreno. He, however, appears to have overlooked the fact that there are other clauses for the provision and maintenance of stud-bulls in this Bill. Under clause 5 every local authority shall maintain or cause to be maintained a minimum number of stud-bulls as may be prescribed by the local Government. Therefore, under clause 7, it is provided that it shall be lawful for a local authority to make suitable grant or grants for the purchase and maintenance of stud-bulls. Now, under the Local Self-Government Act there is no provision whatever for the purchase and maintenance of this kind of bulls. Now, the question is where is the necessity of maintaining such a large number of stud-bulls. I beg to submit that if we have a mind to reduce the price of food-grains we must improve the agriculture and, therefore, we must also improve the breed. Similarly, if we have a mind to reduce the infant mortality we must increase the supply and reduce the price of milk. Therefore we must improve the breed of cattle. In the case of the Calcutta Rent Bill I strongly opposed it because under the mandate of my constituency I had to do it. Similarly, I strongly support this Bill under the mandate of my constituency. The Bengal National Chamber of Commerce say "that in Bengal scarcity of breeding bulls is being keenly felt and the deterioration of the cattle of the province is mainly due to that scarcity. Year after year the report of the Veterinary Department has expressed the fact that the demand of the District Boards for breeding bulls cannot be met. The committee are also aware that because of the *res nullius* judgments of the Calcutta High Court bulls are often slaughtered in the mufassal. So they feel that legislation should be undertaken to provide and preserve breeding bulls in the mufassal with a view to improve the breed of cattle in Bengal." The number of stud-bulls in several parts of Bengal is very small. Therefore, if we have a mind to reduce infant mortality and to improve agriculture in which my Muhammadan friends are most interested, we must improve the breed of the cattle. With these words I strongly support the Bill.

Maulvi ABDUL GAFUR: I strongly oppose the Bill. The Bill is intended to provide for the protection and maintenance of cattle in general, but I am afraid it would be used as a cloak to crush down the Muhammadans in the mufassal. Although the Bill seeks to provide for the protection and maintenance of breeding bulls in Bengal, especially Brahmini bulls and Khodai bulls, it really aims at every bull and cow, as will appear from the definition of cattle, which means and includes a cow, heifer, bull, bullock, calf, he-buffalo, she-buffalo and buffalo-calf. It embraces all kind of cattle.

Then clause 4 provides that whoever kills, poisons, etc., a Brahmini or Khodai bull, shall be punished with imprisonment for a term which may extend to two years or with fine which may extend to Rs. 500 or both. Now I beg to draw the attention of the House to the fact that there is already a provision in the Penal Code for punishing such offences and I fail to understand what necessity there is for providing again for these things in this Bill. Then it is laid down that "nothing in this section shall apply to a police officer above the rank of Sub-Inspector who on receipt of proper information and on his being satisfied that a Brahmini or Khodai bull is dangerous to a locality or to the residents of a locality, destroy the same, provided that he shall submit to the local authority concerned his reasons in writing for so doing within three days after the occurrence." This is a perfect labyrinth. The poor agriculturists will have to run to the police officers whenever they suffer from the depredations of such animals. What generally happens is this, at least in our quarters: Both Hindus and Muhammadans dedicate oxen to the public on certain religious or ceremonial occasions. These bulls all roam about the maidans and fields, eating and damaging the crops and the lot of the poor agriculturists can better be imagined than described, if they have to run to the police officer to have these animals destroyed whenever they become obnoxious. Very often it is the case that the poor agriculturists try to impound these stud-bulls, but the pound-keepers refuse to take these bulls, and consequently the poor agriculturists suffer. And if the number of such bulls goes on increasing, what will be the fate of these poor agriculturists? They already suffer a great deal from the depredations of other animals, and it will add greatly to their miseries if this Bill were passed into law. They will not be able to protect their crops from these stud-bulls, and if at any time in their attempts to drive away the cattle from their fields and in self-defence they take recourse to throwing sticks or other things at these animals which may cause injury to the latter, it will be made a pretext to haul them before the criminal court and send them to jail. Instead of helping the agriculturists, as Dr. Moreno says, it will be a source of great danger to them, in as much as they will be powerless to prevent their crops being damaged by these oppressive bulls.

The atmosphere is really surcharged over the question of cow-killing. The Bill, as now drafted, seeks to provide for the protection of cattle and for the protection and maintenance of breeding bulls. Now, what is there to prevent another clause being added providing that cow-killing must be stopped, as it is necessary for the purpose of protecting cattle?

Mr. A. C. BANERJEE: On a point of order, Sir. Is the hon'ble member in order in bringing the question of cow-killing in this connection?

Mr. DEPUTY PRESIDENT: You need not elaborate that point.

Maulvi ABDUL GAFUR: My suggestion is this that if any District Board or local authority think that such bulls should be reared, they are at liberty to do so. As a matter of fact I know some District Boards keep two or three stud-bulls. The law does not forbid them to rear any such stud-bulls. Of course, there is no provision in the law to this effect, but if there is any necessity for such provision, it can be had by amending the Local Self-Government Act. There is no necessity for a new Bill whatever. The Local Self-Government Act may be so amended as to provide that local authorities may be authorised to spend any sum they like in order to maintain, etc., stud-bulls. With these remarks I strongly oppose the Bill.

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur: Sir, Government fully sympathise with the object of the Bill which aims at the conservation and maintenance of a sufficient number of stud-bulls for breeding purposes. It is an admitted fact that it is the legitimate function of the local bodies—especially of the District Board—to provide for veterinary work as well as for improving the breed of cattle and any provision which will bring home to these bodies their responsibilities in this matter and to ensure a larger number of breed bulls being maintained will, no doubt, be welcomed. At the same time I consider it my duty to point out certain features of the Bill which are either of a redundant character or are likely to lead to harmful results. It seems doubtful whether it would be advisable to place on Union Boards which are in their infancy, any statutory obligations of a hard and fast nature in regard to the maintenance of stud-bulls as these bodies already find themselves hardly put to it to discharge the enormous duties imposed on them by the Village Self-Government Act. The main objection of the Bill, however, relates to the proposal to take power over Brahmini and Khodai bulls. In the first place it is doubtful whether legislation is necessary at this stage for the protection of Brahmini and Khodai bulls; whether such legislation would be of any practical value; and last but not the least, whether any legislation taking power over such bulls would affect the religion of any particular section of the community.

In his Cattle Census Report of 1915 Mr. Blackwood ascribed the gradual diminution of the number of Brahmini bulls to the encroachment of cultivation on waste land. He also thought that the High Court's decision that Brahmini bulls must be regarded as "no one's property" *res nullius* was a contributory cause. The census figures have also shown that the number of such bulls was extremely small—their proportion being 1 to 262 of the local cows. Although the

census taken in 1920 showed an improvement over the census figure of 1912, the great disparity in the proportion of these bulls to the *Desi* cows was practically unaffected. This clearly shows that the number of these bulls is so hopelessly small that they can be of little value for breeding purposes. On the other hand, they are often a public nuisance. The real cause of the disappearance of the Brahmini bulls appears, however, to be an economic one. Although these are not conclusive reasons for not protecting the existing number it is doubtful whether legislation would be of much practical value; for unless the practice of consecrating bulls on religious and other ceremonial occasions is largely taken recourse to by a section of the community which, however, is not very likely in the present-day economic conditions—any legislation would at best be a protective measure but will not contribute much towards the attainment of the object of improving the breed of cattle.

It is noteworthy also that in any scheme for the improvement of the breed of cattle a careful selection of stud-bulls of good pedigree is the first essential; and, in fact, it is now held by the experts that a good milking strain is prepotent in the sire. It is, therefore, quite evident that Brahmini bulls, however, much useful they might have been in the past, are no longer considered to be of great importance for breeding purposes. Lastly, whether these bulls play any part in the religious rites of a particular section of the community or not, Government would strongly oppose any legislation to take power over such bulls which may be interpreted by the ignorant masses to be an interference with their religious rites. Any measure which may have a disturbing effect on the public mind, whether rightly or wrongly, should be scrupulously avoided. These, Sir, are the general questions of principle which arise in connection with the Bill. I have dealt with them in some detail as it is necessary at this stage that the members should realise clearly the nature of the Bill before them. Government have no desire to oppose the reference of the Bill to a Select Committee and they hope that the Select Committee, if appointed by the Council, will be able to remove the objectional features of the Bill which I have pointed out.

Dr. H. W. B. MORENO: In the first instance I must reply to the observations made by Shah Syed Emdadul Haq. He has complained that there is not a sufficient number of Muhammadan members on the Select Committee. I accept his amendment for the inclusion of the names he has suggested. I do not want to discuss the remarks of those who supported this Bill; but I shall for a moment tell my friends on this side of the House that they should realise that there is no ground for alarm in the way that this is an attempt to restrain cattle-slaughter. I do feel, therefore, that some of the remarks made by

my friends in the House are uncalled for. A member of the House spoke of Brahmini bulls, in vast numbers, making violent depredations on cultivated areas in Bengal. The Hon'ble Nawab Bahadur has told us that the number of Brahmini bulls is diminishing and is at the moment a negligible quantity. Then my friend proceeded to describe the possibility of bull and villager fights which he outlined in graphic detail, leading to serious consequences to innocent villagers and so on: I should like to assure him that there is no fear on that ground at all, because a villager has a perfect right to drive away such a bull doing injury to his pasture lands or to have it impounded. All that the Bill provides for is the prevention of the killing or maiming of Brahmini bulls, but it does not take away the right of the villager to protect his cultivated spots from the depredations of vicious Brahmini bulls. Then, some one adds that there is no provision made here—I think Maulvi Sayyed Sultan Ali spoke about this—for the maintenance of stud-bulls. Section 7 clearly points out that it shall be lawful on the part of local authorities to make suitable grants for the purchase and maintenance of stud-bulls. This Bill, if carried into law, will have the effect of giving to local authorities the power of purchasing or maintaining stud-bulls at definite centres and within definite areas. A complaint is always made that there is a paucity of such breeding animals in the province. Here is the opportunity, given by this Bill, for securing bulls for the villages, maintaining them and using them for the benefit of the cattle—especially the milch cattle—of Bengal. I see, then, that there is really nothing in this Bill which should cause my friends to raise the alarmist cry. I have tried my best to avoid alluding to any communal difference of opinion. My Muhammadan friends should realise that the stand I have taken as a Christian gentleman, does not go to accentuate any difference there may be between Hindu and Muhammadan. I propose this measure solely and wholly in the interests of Muhammadan and Hindu villagers in Bengal. I am glad that the Hon'ble Nawab Bahadur has thought it fit to allow this Bill to go to the committee stage. He has, however, pointed out, in his usual able manner, some of the defects in the Bill. I do not claim infallibility on my part—I am perfectly willing to accept any suggestions which the Select Committee may make. I therefore welcome the suggestions made by the Hon'ble Nawab Bahadur at this stage. I thought that we would have here another instance of a non-official Bill being wrecked by a "wooden and inelastic Government"; I now see that Government does bend in favour at least to some good things that are put before them in this Council.

Maulvi SAYYED SULTAN ALI: Sir, Dr. Moreno has said that I observed in my speech that no arrangement has been made for maintaining stud-bulls. I have not however said that in my speech.

The amendment of Shah Syed Emdadul Haq was then put and agreed to.

The motion of Dr. H. W. B. Moreno was then put in the following amended form:—

"That the Bengal Cattle Bill, 1925, be referred to a Select Committee consisting of the Hon'ble Nawab Bahadur Saiyid Nawab Ali Chaudhuri, Khan Bahadur, Mr. Tarit Bhusan Roy, Mr. S. C. Mukerji, Mr. A. C. Banerjee, Mr. Byomkes Chakravarti, Mr. K. C. Ray Chaudhuri, Babu Jatindra Nath Basu, Mr. N. C. Sen, Babu Debi Prosad Khaitan, Rai Harendranath Chaudhuri, Babu Amulya Dhone Addy, Mr. P. N. Guha, Babu Charu Chandra Das, Rai A. C. Banerjee Bahadur, Mr. D. J. Cohen, Babu Surendra Nath Ray, Rai Badridas Goenka Bahadur, Khan Bahadur Kazi Zahirul Haq, Maulvi Sayyed Sultan Ali, Maulvi Tayebuddin Ahmed, Nawab Musharruf Hossain, Khan Bahadur, Shah Syed Emdadul Haq, and the mover, with instructions to submit their report for consideration at the August session of the Bengal Legislative Council and that the number of members whose presence shall be necessary to constitute a quorum shall be five."

The motion being put a division was taken with the following result:—

AYES.

Addy, Babu Amulya Dhone.
Banerjee, Mr. A. C.
Banerjee, Rai Bahadur Abinash Chandra.
Basu, Babu Jatindra Nath.
Birley, the Hon'ble Mr. L.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Cohen, Mr. D. J.
Cooper, Mr. C. G.
Das, Babu Charu Chandra.
Das, Rai Bahadur Amar Nath.
De, Mr. K. C.
Donald, the Hon'ble Mr. J.
Drummond, Mr. J. G.
Forrester, Mr. J. Campbell.
Goenka, Rai Bahadur Badridas.
Guha, Mr. P. N.
Heard, Major General Richard.
Hodgson, Mr. R. C.
Hogg, Mr. G. P.
Hopkyns, Mr. W. S.
Khaitan, Babu Debi Prosad.
Lindsay, Mr. J. H.
McAlpin, Mr. M. C.
McKenzie, Mr. D. P.
Mitter, Sir Pravash Chunder.
Moberly, Mr. A. N.
Moreno, Dr. H. W. B.
Mukerji, Mr. S. C.
Nandy, Maharaja Kumar Sris Chandra
Pattersen, Mr. D. C.
Philip, Mr. J. Y.
Ray, Babu Nagendra Narayan.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chundra.
Ray, Mr. S. N.
Roy, Raja Manilell Singh.
Stapleton, Mr. H. E.
Travers, Mr. W. L.
Wilson, Mr. R. S.

NOES.

Ahmed, Maulvi Tayebuddin.
Ahsanullah, Mollah.
Ali, Maulvi Sayyed Sultan.
Choudhury, Maulvi Fazlal Karim.
Safur, Maulvi Abdul.
Ghaznavi, Hadji Mr. A. K. Abu Ahmed Khan.
Haq, Khan Bahadur Kazi Zahirul.
Haq, Shah Syed Emdadul.
Hossain, Nawab Musharruf, Khan Bahadur.
Lal Mahammed, Haji.
Quader, Maulvi Abdul.
Rahim, Sir Abd-ur-

The Ayes being 38 and the Noes 12, the motion was carried.

The Bengal Fish Fry Preservation Bill, 1925.

The following motion was called but not moved:—

"Shah Syed Emdadul Haq to move that the Bengal Fish Fry Preservation Bill be referred to a Select Committee consisting of the Hon'ble Nawab Bahadur Saiyid Nawab Ali Chaudhuri, Khan Bahadur, Babu Hem Chandra Nasker, Maulvi Ekramul Huq, Maulvi Tayebudin Ahmed, Khan Bahadur K. G. M. Faroqui, Rai Harendranath Chaudhuri, Rai Pyari Lal Doss Bahadur, Dr. Mohini Mohan Das, Maulvi Sayyed Sultan Ali, Maulvi Fazlul Karim Chaudhuri, Babu Amulya Dhone Addy and the mover, with instructions to submit their report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be three."

The Calcutta Municipal (Amendment) Bill, 1926.

The following motion was called but not moved:—

"Rai Harendranath Chaudhuri to move for leave to introduce a Bill further to amend the Calcutta Municipal Act, 1923."

Babu JATINDRA NATH BASU: May I have your permission to move the motion standing in the name of Rai Harendranath Chaudhuri in the absence of the mover?

Mr. DEPUTY PRESIDENT: I am afraid the rules do not permit a motion of this character being moved by any other than the member who originally gave notice.

Babu DEBI PROSAD KHAITAN: I gave notice to introduce a Bill further to amend the Calcutta Municipal Act, 1923, in order to remove a difficulty from the way of Municipal Commissioners from becoming assessors of the Calcutta Improvement Tribunal. I now find that there is some controversy about this measure and therefore it is not desirable at this fag end of the Council to move this motion. I therefore do not move it.

The following motion was not moved:—

Babu Debi Prosad Khaitan to move for leave to introduce a Bill further to amend the Calcutta Municipal Act, 1923.

The Bengal Compulsory Primary Education Bill, 1926.

The following motion was called but not moved:—

Maulvi Sayedul Hoque to move for leave to introduce a Bill to provide for the extension of compulsory primary education in those areas in Bengal where free primary schools are in existence or may come into existence.

The Bengal Court of Wards (Amendment) Bill, 1926.

Nawab MUSHARRUF HOSSAIN, Khan Bahadur: Sir, I rise to move that the Court of Wards Amendment Bills that stands in my name be introduced in the Council. It is a very short Bill intended to extend the protection rendered by the Court of Wards to disqualified tenure-holders of Bengal. On the 27th of March, 1916, I moved a resolution in the Bengal Council before this reform was introduced recommending to the Government to take early steps to amend the Court of Wards Act for the above purpose. The Government of Bengal was then pleased to accept the resolution in an amended form and the Government wanted to obtain official and non-official opinion on the advisibility for amending the Court of Wards of 1879 with a view to extend the provision of that Act so as to protect and bring under direct management of Court of Wards the properties of minor children of deceased tenure-holders and other disqualified members among such tenure-holders. The Government has since then collected opinions from both the official and non-officials including several zemindars, the most notable among whom are two of my respected friends who are now occupying the official benches, the Hon'ble Maharaja Bahadur of Nadia and the Hon'ble Nawab Bahadur, and also several other associations.

Of the non-official excepting a few gentlemen and association who live in Calcutta and who have very little knowledge of mufassal almost all have given opinion in favour of the amendment but my Calcutta friends are under the misapprehension that the acceptance by the Court of Wards of the management of the tenure-holders property is tantamount to the Courts refusal to pay the rent due to the tenures for certain number of years as is the case to the zemindar estates. But a careful consideration of this problem will at once reveal to my Calcutta friends and associations that their apprehension is absolutely unfounded as they know that lots of safeguard exist which render such cases almost impossible. The Court has been successfully managing a large number of tenures belonging to zemindars holding a fractional share of some estates. The Hon'ble Board of Revenue in their letter No. 562-W.—T., dated Calcutta, the 9th September, 1916, have very clearly expressed thus: "There seems to the Board of Revenue no logical reason why the Court of Wards should not take charge of the properties of the tenure-holders not paying the revenue direct to the Government, in cases which comply with the condition just quoted; many of the estates now under the Court of Wards consist partly of rent-paying tenure and it is somewhat anomalous that under the law as it stands a land-owner's property consisting chiefly of rent-paying tenures but comprising some small zemindari which pays rent direct to the Government may be taken under the Court of Wards, while a much more important property

comprised solely of tenures which do not pay revenue to the Government may not. For the Court of Wards to take charge of rent-paying tenures it is not at all necessary that they should be exempted from any arrears of rent and at the close of the said letter the Board thinks that when the Court of Wards Act next come under revision it might with advantage be amended so as to empower the Court of Wards to take charge of the properties of the disqualified holders of tenure not paying revenue direct to the Government.

Mr. DEPUTY PRESIDENT: Nawab Sahib, you had better cut short your speech. This motion is only a matter of form and a speech and a brief one at that is only permissible if the motion is opposed. Your present speech will be more appropriate when you move the next motion.

Nawab MUSHARRUF HOSSAIN, Khan Bahadur: With these few words I resume my seat.

The Hon'ble MAHARAJA KSHAUNISH CHANDRA RAY Bahadur of Nadia: While sympathising with the hon'ble mover I think I must oppose the motion, as it has been decided by Government to oppose the introduction of this Bill.

In the first place we think that in a matter of this kind the question of amendment of the law should be undertaken by Government and not by a private member. In the second place we feel that legislation of this kind should not be undertaken so shortly before the dissolution of the Council. There is not sufficient time now to obtain public opinion about the proposed amendment of the Act. As to the merits of the Bill Government feel considerable doubt. In 1916 a resolution was accepted in a modified form and public opinion was obtained. Opinions varied and Government came to the conclusion that the Act should not be changed. We have again considered it and we are still of the same opinion. So far as we know there is no strong opinion in favour of the change which this Bill proposes to make and we do no think that we should be justified in making an amendment of the law which, if effect were given to it, will unnecessarily increase the work of the Revenue officers and the Collector. I therefore oppose the motion.

The motion that leave be given to introduce a Bill further to amend the law relating to Court of Wards was then put and lost.

The Bengal Prevention of Brothels in Fairs Bill, 1926.

Shah Syed Emdadul Haq moved for leave to introduce a Bill for the prevention of brothels and immoral traffic in fairs.

Mr. P. N. GUHA: May I rise to a point of order, Sir? The Bill about which notice was given to us by the Legislative Department and of which we got a copy is quite different from that which is now being moved by Shah Sahib.

Mr. DEPUTY PRESIDENT: Which Bill are you going to move, Shah Sahib. Are you going to move the Bill which is before the Legislative Department, or the Bill a copy of which has been circulated to members?

Shah Syed Emdadul Haq explained in the vernacular that he was moving the Bengal Prevention of Brothels in Fairs Bill, 1926, of which notice was given to the Legislative Department.

Mr. DEPUTY PRESIDENT: You may proceed now.

Babu DEBI PROSAD KHAITAN: May I rise to a point of order, Sir? I have got only a copy of one Bill which is the Bengal Suppression of Brothels Bill, 1926. I have not got a copy of the Bengal Prevention of Brothels in Fairs Bill, 1926.

Mr. DEPUTY PRESIDENT: The Legislative Department have got a copy of the Bill, and that is enough for the purpose of the present motion.

Babu DEBI PROSAD KHAITAN: But it has to be circulated at least one week before introduction.

Mr. DEPUTY PRESIDENT: Not necessarily for this motion Mr. Khaitan. Shah Sahib, you should make a short speech.

Shah Syed Emdadul Haq then spoke in Bengali. The English translation of which is as follows:—

"I beg to move this motion to introduce the Bill for the prevention of brothels and immoral traffic in fairs. My Bill for the wholesale prohibition of prostitution throughout Bengal, a copy whereof has been sent to the Hon'ble Member, has not been added to the agenda of this session. None should mistake the present Bill for that.

Prostitution is a sin and indeed very shameful. In the East specially to the Muhammadans, it is opposed to their religion and is detested by one and all. The country in which I want to make this legislation does not and cannot approve of this vicious and unholy profession. In the last session when I introduced a Bill for the total prohibition of prostitution throughout Bengal, Mr. Mukerji, too, introduced a Bill on that line on a small scale for Calcutta only

and Government while appreciated my efforts opposed the same and passed the Bill of Mr. Mukerji for experiment.

This Bill for the prevention of brothels in fairs is of a different nature. The subject is very insignificant but the evils arising out of this are really very serious and far-reaching. For, it is the village wherein food and raiments are primarily produced and we look up to the village peasants for our supplies. What can be more painful, more regrettable than to see these peasant youths fast running towards the path of destruction owing to the influx of prostitutes in fairs. Peasant youths seldom come to the town but largely attend the fairs. None but an eye-witness can imagine to what horrible depths they are engulfed by corruption as a consequence of the inpouring of these bad character, shameless courtesans. Most of these people have got virulent types of venereal diseases and these youths coming in contact with them contract bad diseases and carry on the infection into their houses and make not only their own lives miserable but also those of their innocent housewives. To make their cup of miseries full to the brim, these youths being led astray by the brothels add more and more to their indebtedness by their prodigality. Wherever I went being invited and as president of the Bengal District and Provincial Conference, almost in all places the peasants importuned me to put a stop to this pernicious evil. Hence I move this motion to introduce the Bill. To-day in this Council Government have no reason to stand against the will of the people. Very few members have attended the Council to-day and among them the majority being officials and pro-government, I can have little hope of victory. If such influx of prostitutes in fairs be stopped Government will not be a loser in any way. As there will be another sitting of the Council in the month of August I am ready to circulate the Bill for opinion after it is introduced. I hope Government at this stage will at least give assent to the introduction of the Bill and thus afford facility for eliciting public opinion. Before I take my seat finally I remind you to be firm to uproot this evil and warn you not to acquire a bad reputation as supporters of scandal by your opposition to this Bill."

The Hon'ble Mr. L. BIRLEY: Sir, I object to the introduction of this Bill because the mover desires to carry in one sitting of the Council a Bill on a very important and difficult question without proper consideration. If he goes any further I shall object also because the Bill has not been circulated.

The motion that leave be given to introduce a Bill for the prevention of brothels and immoral traffic in fairs was then put and a division being demanded, the Deputy President ordered that the division be summarily taken by show of hands in the Chamber itself, but as the number in favour of the motion exceeded ten, the Deputy President directed under the rules that the division should proceed through

the lobbies in the usual way. The result of the division was as follows:—

AYES.

Ahmed, Maulvi Tayebuddin.
Ahsanullah, Mollah.
Ali, Maulvi Sayyed Sultan.
Chowdhury, Maulvi Fazlal Karim.
Gafur, Maulvi Abdul.
Ghaznavi, Hadji Mr. A. K. Abu Ahmed Khan.
Haq, Khan Bahadur Kazi Zahirul.
Haq, Shah Syed Emdadul.
Hossain, Nawab Musharruf, Khan Bahadur.
Lal Mahammed, Haji.
Quader, Maulvi Abdul.
Rahim, Sir Abd-ur-

NOES.

Addy, Babu Amulya Dhone.
Banerjee, Rai Bahadur Abinash Chandra.
Birley, the Hon'ble Mr. L.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Cohen, Mr. D. J.
Cooper, Mr. C. G.
Das, Babu Charu Chandra.
Das, Rai Bahadur Amar Nath.
De, Mr. K. C.
Donald, the Hon'ble Mr. J.
Drummond, Mr. J. G.
Forrester, Mr. J. Campbell.
Guha, Mr. P. N.
Heard, Major General Richard.
Hodgson, Mr. R. C.
Hogg, Mr. C. P.
Hopkyns, Mr. W. S.
Lindsay, Mr. J. H.
McAlpin, Mr. M. C.
McKenzie, Mr. D. P.
Mitter, Sir Provash Chunder.
Moberly, Mr. A. N.
Moreno, Dr. H. W. B.
Mukerji, Mr. S. C.
Patterson, Mr. D. C.
Philip, Mr. J. Y.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra.
Ray Chaudhuri, Mr. K. C.
Roy, Mr. S. N.
Roy, Raja Manilell Singh.
Stapleton, Mr. H. E.
Travers, Mr. W. L.
Wilson, Mr. R. S.

The Ayes being 12 and the Noes 33, the motion was lost.

The Bengal Village Self-Government (Amendment) Bill, 1926.

The following motion was called but not moved:—

Rai HARENDRANATH CHAUDHURI to move for leave to introduce a Bill to amend the Bengal Village Self-Government Act, 1919.

[At this stage the Hon'ble the President returned to the Chair.]

The Wagering Associations Bill, 1926.

Babu DEBI PROSAD KHAITAN: I move for leave to introduce a Bill to provide for the suppression of wagering associations in Calcutta. As this motion is only for leave to introduce the Bill I do not make any speech on this occasion and formally move that leave be given.

The motion was put and agreed to.

The Secretary then read the title of the Bill.

Babu DEBI PROSAD KHAITAN: I move that the said Bill be referred to a Select Committee consisting of the Hon'ble Mr. J. Donald, Mr. M. C. McAlpin, Mr. D. C. Patterson, Mr. R. B. Wilson, Mr. R. H. Child, Rai Badridas Goenka Bahadur, Rai Abinash Chandra Banerjee Bahadur, Babu Amulya Dhone Addy, Mr. D. J. Cohen, Mr. P. N. Guha, Babu Jatindra Nath Basu and the mover, with instructions to submit their report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Sir, this Bill relates to a matter which is not very much understood by a large number of members of this House and I shall therefore crave the indulgence of the House to explain this Bill in as few words as possible. It really aims at certain institutions which are growing up in Calcutta and which are called *baras*. At these *baras* dealings are carried on in futures in several commodities, as, for example, jute, hessian, sugar, shares, etc. In some of these *baras* deliveries are given and taken in a large number of cases, but specially in the jute *baras* delivery is never given and taken. It is quite true that recently a system has been introduced in the jute *baras* whereby printed contracts have been introduced which provide for deliveries of some sort or other, but in any event there can be no doubt whatsoever that these *baras* which provide for dealings in future are the object of police suspicion and in many cases such suspicion is really well founded. It is especially in the case of *baras* which deal in jute that their previous history gives rise to a great deal of suspicion. If any remedy is to be introduced by the Government in any of the *baras*, the present law provides that a man must appear before the police court for the issue of a search warrant as a result of which a large number of persons would be arrested, all their books of account would be taken away and their safes would be broken open and whatever money or papers and documents may be there would be all seized by the police, but even when that is done there is no security whatsoever that another *bara* dealing with the very same commodity and by the same set of peoples will not be started at the same house or at a house adjacent thereto. Many cases drag on from month's end to month's end and perhaps for years and a few cases have previously dragged for several years as a result of which under the present law proper remedies cannot be introduced and gambling which goes on a large scale cannot be put a stop to. In view of these circumstances this matter has received the consideration of the Indian mercantile community as also the European mercantile community not only for some months but for some years. Recently, however, the Calcutta Baled Jute Association has raised this question in a very prominent manner. They have held conferences and come to the conclusion that it is necessary that certain irregularities in these *baras* in any event should be put a stop to. It is sometimes suggested that the merchants themselves should combine together in order either to abolish the *baras*

or introduce markets of a regular and proper nature. The difficulty in the way of the merchants doing this is that if *bona fide* dealers in any commodity start a market or an association for properly dealing in futures in any particular commodity, that does not prevent the speculatively inclined people who are bent upon gambling in a reckless way to start another institution dealing with the same commodity, the result of which would be that a much larger number of transactions would be carried on at objectionable places rather than at properly managed places of business. That being so, a properly maintained place of business would be subject to the same difficulty as the export and import markets at present are on account of existing *baras*. It is, therefore, necessary that some procedure should be introduced by means of legislation whereby the mischievous and wrongful element in the *baras* may be removed altogether or if not altogether removed, reduced as much as possible.

I hope that when the Bill goes into the Select Committee whatever defects there are in the Bill will be removed and that the Bill when it comes out of the Select Committee, will come out in a form which will be of great assistance to the proper carrying on of *bona fide* business.

The Hon'ble Mr. J. DONALD: I move by way of amendment that the Bill be circulated for the purpose of eliciting public opinion thereon by the 10th August, 1926.

I do not propose to deal with the main object of the Bill as there is a good deal to be said for it. But the provisions are very complicated and it is necessary that in a matter of this kind we should have the help of some public opinion, the opinion of the trade, the opinion of commercial bodies, and so on. Mr. Khaitan may say that he has got the opinion of various bodies. But this is like going to a judge with one's own lawyer's letters in one's pocket. This is no good, we must have the opinion from all sides, more than what Mr. Khaitan has produced, all of which can be placed before this House. There is opinion against the Bill and opinion in favour of the Bill. We have not got it and until we get it, we cannot expect the Select Committee to get to work on the Bill. And further considering the complicated character of the Bill I am doubtful if, even after referring it to a Select Committee, it could possibly be passed within the life-time of the present Council. There will thus be no harm if the Bill were now circulated for eliciting public opinion on it.

Babu DEBI PROSAD KHAITAN: I do not like to say much in view of the motion by way of amendment that has been made by the Hon'ble Mr. Donald that this Bill be circulated for public opinion. I am quite willing that the Bill be circulated and public opinon obtained thereon.

Mr. PRESIDENT: I will now take the sense of the House on this matter. I shall put the motion of the Hon'ble Mr. J. Donald to the House first.

The motion that the Wagering Associations Bill, 1926, be circulated for the purpose of eliciting opinion thereon by the 10th August, 1926, was then put and agreed to.

The motion of Babu Debi Prosad Khaitan that the Bill be referred to a Select Committee thereupon failed.

The Calcutta Improvement (Amendment) Bill, 1926.

Babu AMULYA DHONE ADDY: I move for leave to introduce a Bill further to amend the Calcutta Improvement Act, 1911.

Mr. PRESIDENT: Does any member object to the leave being given?

The Hon'ble Maharaja KSHAONISH CHANDRA RAY Bahadur, of Nadia: I object.

Mr. PRESIDENT: Mr. Addy, please make a very short statement in regard to your Bill.

Babu AMULYA DHONE ADDY: It will appear, Sir, from the next two items that I want this Bill to be taken into consideration during this session. When I gave notice of these motions I was under the impression that there would be no session in the month of August.

Mr. PRESIDENT: We can only deal with the provisions of the Bill, Mr. Addy.

Babu AMULYA DHONE ADDY: In this Bill I propose to increase the number of members of the Board from 11 to 16 and to allot one additional seat to the Bengal Chamber of Commerce, one additional seat to the Bengal National Chamber of Commerce, one additional seat to the Corporation of Calcutta, one new seat to the British Indian Association——

Mr. PRESIDENT: These are all known to the House; the Bill contains these provisions.

Babu AMULYA DHONE ADDY: And one seat to be nominated by Government. The Improvement Trust handles a very heavy amount

of money from year to year and I do not think that the interests at stake in the operations of the Trust are well represented on that body.

Sir, it is commerce which has made Calcutta what it is, and, therefore, it is desirable that European as well as Indian merchants should be well represented in the Trust, but as it will appear from the Act, only one seat has been allotted to the Bengal Chamber of Commerce and only one seat to the Bengal National Chamber of Commerce; therefore, I have suggested an increase in the number of members of the Chambers. As regards the Corporation of Calcutta, when the Bill was introduced it was estimated that about Rs. 8 lakhs would be the amount of contribution from the Corporation to the Trust, but from the First Year's Administration Report of the Act, namely, the Report for 1912-13, it appears that about Rs. 7 lakhs was contributed by the Calcutta Corporation but from the report of the last official year it appears that that amount has gone up to Rs. 13 lakhs. Sir, two years ago additional areas were amalgamated with the Calcutta Corporation, namely, Cossipore, Manicktolla and Garden Reach; so it is desirable that the Corporation of Calcutta should have more representation on the Improvement Trust. It will appear that under section 177 of the Act all the liabilities of the Trust are to be taken up by the Corporation of Calcutta; it is, therefore, desirable that a body which is bound under the law to take up all the liabilities of the Trust should be properly represented on the Board and as a matter of fact, this was the intention.

There are other persons who are vitally interested in the operations of the Trust, and whose interests are seriously affected; but I am sorry to say that they are not represented at all—I mean the landholders and house-owners of Calcutta. It is they who contribute the most to the Corporation of Calcutta, it is they who contribute lakhs of rupees as duties for transfer of properties, it is they——

Mr. J. CAMPBELL FORRESTER: Is the hon'ble member entitled to make a speech when introducing a Bill?

Mr. PRESIDENT: He can only make a very brief statement. Please finish, Mr. Addy.

Babu AMULYA DHONE ADDY: In the case of the execution of an improvement scheme, who are the persons most interested? It is not only the owners of adjoining lands but also the public who are interested. But these persons are not represented in the Trust. That is why I have suggested that there should be one representative from them. One seat should be allotted to the British Indian Association of which my esteemed friend Sir P. C. Mitter is the Secretary and the Maharajadhiraja Bahadur of Burdwan is the President—an association which is very useful in giving sound advice.

Mr. PRESIDENT: I am afraid, I must ask you to finish; you are going into details.

Babu AMULYA DHONE ADDY: It may be said that it is not desirable to increase the number of members from 11 to 16.

Babu DEBI PROSAD KHAITAN: By a brief statement it does not mean that the speaker should go into the provisions of the Bill which have already been published.

Mr. PRESIDENT: I think you might ask your friend in a whisper to resume his seat.

Babu AMULYA DHONE ADDY: Now, it is proposed by the Government itself to increase the number of seats in the case of the Calcutta Port Trust. Certainly a Trust with 16 members will be quite manageable——

Mr. PRESIDENT: I must ask you to resume your seat.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: I could have understood if Mr. Addy had recommended for increasing the non-official element in the Trust and reducing the number of Government nominees. Instead of doing that he has proposed an all-round increase of one seat from every constituency and that shows how hollow his proposal is. I therefore oppose the motion.

The motion that leave be given to introduce a Bill further to amend the Calcutta Improvement Act, 1911, was then put and lost.

The Calcutta Rent (Repeal) Bill, 1926.

Babu AMULYA DHONE ADDY: I move for leave to introduce a Bill to repeal the Calcutta Rent Act, 1920.

Mr. PRESIDENT: Does anybody object?

The Hon'ble the Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: I object.

Dr. H. W. B. MORENO: I seriously object to it.

Babu AMULYA DHONE ADDY: As Dr. Moreno has serious objections may I not also be serious in moving it?

Mr. PRESIDENT: You can only make a brief statement.

Babu AMULYA DHONE ADDY: Sir, may I ask the Government Member whether I can expect an assurance from him that the Calcutta Rent Act will not be further extended after March, 1927. In that case I will withdraw the Bill. It is admitted on all hands by all the public

bodies to which Dr. Moreno's Bill was circulated that the existing Act is a defective one and, Sir, when we all know that it is not justifiable on several grounds to extend the Act and that it is a source of great hardship to landholders and house-owners, it is desirable that the Act should be repealed as early as possible.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: I oppose leave being granted to the introduction of the Bill.

The motion that leave be given to introduce a Bill to repeal the Calcutta Rent Act, 1920, was then put and lost.

The Calcutta Municipal (Amendment) Bill, 1926.

Babu AMULYA DHONE ADDY: I move for leave to introduce a Bill further to amend the Calcutta Municipal Act, 1923.

Mr. PRESIDENT: Does any member object?

The Hon'ble the Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: I object.

Mr. PRESIDENT: Please make a brief statement, Mr. Addy.

Babu AMULYA DHONE ADDY: It will appear from the provisions of the Calcutta Municipal Act that an invidious distinction has been made between European merchants and Indian merchants. Under this Act 12 seats have been allotted to the European Chamber of Commerce, while not a single seat has been allotted to the Indian Chamber of Commerce. That is the reason why I suggest that the Act should be amended, so that the European as well as the Indian Chambers of Commerce may be well represented on the Corporation. In other countries the number of members of a municipal corporation is much higher than that of the Calcutta Corporation, and the number extends to 232 in London. If a Council like that can work smoothly the Calcutta Corporation can certainly work smoothly if a few more members are added on to it.

Then, Sir, I also suggest in this Bill to revive the system of plural voting—a system which was in vogue in Calcutta and which worked very smoothly—a system under which there was no corruption whatever in the municipality of Calcutta. (Question, question.) I can assure you, Sir,—I was a member of the Corporation for 29 years continuously,—that in the municipal elections of Calcutta, so long as the system of plural voting was in vogue, there was no corruption whatever, but since the last election when the present system was introduced there have been corruption——

Mr. P. N. GUHA: On a point of order, Sir. The hon'ble member is talking of corruptions. Has he any substantial proof that corruptions have been introduced since the present system has come into vogue?

Mr. PRESIDENT: You can contradict him if you like.

Babu AMULYA DHONE ADDY: If you appoint a committee I shall be able to prove with facts and figures that there has been corruption.

Mr. PRESIDENT: Please come to your objects and reasons.

Babu AMULYA DHONE ADDY: The system of plural voting obtains in several parts of the world—it obtains in Sweden, in South America, in Belgium and in Australia. I think a man who pays Rs. 10,000 as rates and taxes should not be placed on the same footing as a man who pays only Rs. 12 per annum. The former is likely to take greater interest in the administration of the municipality than the latter. It has been alleged that there is a system of one man voting in the case of the Legislative Council, but I beg to submit that the Corporation is quite different from the Legislative Council. I have suggested the omission of section 151 because under that section vacant lands are liable to be taxed notwithstanding the fact that no municipal services are rendered in respect of these lands. There is no such law in any other part of the world. As I have been directed to be very short I resume my seat.

The motion that leave be given to introduce a Bill further to amend the Calcutta Municipal Act, 1923, was then put and lost.

AMENDMENTS OF STANDING ORDERS.

SHAH SYED EMDADUL HAQ moved under the proviso to Standing Order 6 (2), that the amendments of the Standing Orders as reported by the Select Committee in February, 1926, be continued.

The motion was put and agreed to.

SHAH SYED EMDADUL HAQ moved that the amendments, as reported by the Select Committee, be taken into consideration.

The motion was put and agreed to.

Standing Order 6 (1).

SHAH SYED EMDADUL HAQ moved that—

(i) in line 3 of section 19 (1) on page 243 of the Bengal Legislative Council Manual, for the words "any resolution" the following shall be substituted, namely:—

"a question which has not been answered or a resolution", and

(*ii*) in line 5 and 6 *ibid*, before the words "such resolution" the following shall be inserted, namely:—

"such question shall, if the member intimates in writing not less than fifteen days before the commencement of the next session his desire to proceed with the question, be carried over for reply to the list of questions for the next session and".

The motion was put and agreed to.

Standing Order 12, last proviso.

SHAH SYED EMDADUL HAQ moved that in Standing Order 12, last proviso (section 24 on page 245 of the Bengal Legislative Council Manual), for the word "postponed" the words "carried over" shall be substituted.

The motion was put and agreed to.

Adjournment.

The Council was then adjourned till 2 P.M. on Thursday, the 8th July, 1926, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Thursday, the 8th July, 1926, at 3 P.M.

Present:

The Hon'ble the President (KUMAR SHIB SHEKHARESWAR RAY) in the Chair, the four Hon'ble Members of the Executive Council, and 64 nominated and elected members.

Starred Questions

(to which oral answers were given).

Mina Peshwari.

*1. **Mr. TARIT BHUSAN ROY:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state—

(*i*) how many *goondas* have been dealt with and punished under the Presidency Area (Emergency) Security Act; and

(*ii*) what are their names and addresses and what are the punishments which have been inflicted upon them by the authorities?

(*b*) Is it a fact that in the month of April or May last, one Mina Peshwari was brought to Lal Bazar by an Advocate of the Calcutta High Court?

(*c*) Is it a fact that the said Mina Peshwari escaped from the police compound at Lal Bazar by pointing a revolver to a police officer who attempted to arrest him?

(*d*) Is Mina Peshwari still in Calcutta?

(*e*) What is the name of the Advocate?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. L. Birley): (*a*) (*i*) Up to 30th June, 1926, 212 persons have been externed under the Act. Four persons have been convicted and sentenced for breach of externment orders.

(*ii*) Government are not prepared to publish their names. The sentences varied from 3 to 9 months' rigorous imprisonment.

(*b*), (*c*) and (*e*) Government are not prepared to publish particulars about his conduct, which may hereafter be the subject-matter of judicial proceedings.

(*d*) Mina Peshwari is not now in Calcutta.

Mr. A. C. BANERJEE: May I know, Sir, with regard to answer to (*b*), (*c*), and (*e*), whether the judicial proceedings referred to relate to those which may be instituted by Government or by any public body?

The Hon'ble Mr. L. BIRLEY: By Government.

Mr. P. N. GUHA: In reply No. 1 (*ii*) it is said that Government are not prepared to publish their names. May I inquire whose names are referred to?

Mr. PRESIDENT: The convicted persons.

Railway connection to Manikganj.

*2. **Mr. ABDUL LATIF BISWAS:** (*a*) Will the Hon'ble Member in charge of the Department of Public Works (Railways) be pleased to state whether there is any proposal to establish a light railway from Aricha to Manikganj town in Dacca?

(*b*) If so, what have the Government decided to do in that connection?

(*c*) Is there any possibility of the establishment of the said railway at an early date?

MEMBER in charge of DEPARTMENT of PUBLIC WORKS [RAILWAYS] (the Hon'ble Mr. J. Donald): (*a*), (*b*) and (*c*) A traffic survey of a railway between Dacca and Aricha will very shortly be undertaken. Until this has been completed, no decision can be arrived at regarding the establishment of such a railway.

Inland Steamer Companies.

*3. **Mr N. C. SEN:** (*a*) Will the Hon'ble Member in charge of the Marine Department be pleased to state whether a letter dated the 20th February, 1926, written by Mr. I. B. Gupta of Barisal, Secretary to the Standing Committee to look into the matter of arrangements of the Steamship Companies, has reached the Government?

(*b*) If the reply to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state what action, if any, has been taken on it, and if no action has been taken, the reason therefor?

(c) Where and when was the *Manipuri* steamer surveyed and by whom?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Mr. J. Donald): (a) Yes.

(b) The Agents were requested to state their views upon the matter. They informed Government that reductions would be made in the fares for short voyages, which included the run from Jhalakati to Kowkhali *via* the Bharani Khal.

A revision of the fares has been made and has taken effect from the 1st July, 1926.

(c) The S.S. *Manipuri* of the Rivers Steam Navigation Company was last surveyed in Calcutta on the 24th June, 1925, by the third Marine Surveyor to the Government of Bengal.

Officers of certain thanas during Calcutta riots.

*4. **Mr. H. S. SUHRAWARDY:** Will the Hon'ble Member in charge of the Police Department be pleased to state whether it is a fact that when the riots broke out the officers in charge of the Jorasanko, Burrabazar, Jorabagan, Sukea Street and Bowbazar thanas were all Hindus?

The Hon'ble Mr. L. BIRLEY: Yes.

Mr. A. C. BANERJEE: May I know if any of these Hindu officers by reason of their creed showed any bias towards any particular community?

Mr. PRESIDENT: That does not arise from the original question.

Unstarred Questions

(answers to which were laid on the table).

Anglo-Indian in Government Employment.

1. *Mr. H. BARTON: Will the Hon'ble Member in charge of the Appointment Department be pleased to say whether it is a fact—

(a) that Anglo-Indians in any of the departments administered by the Government of Bengal, have at any time been displaced by Indians to give effect to the scheme of Indianisation of the Service since that scheme was inaugurated, and

(*b*) that Anglo-Indians in the upper Subordinate grades have at any time during the same period been displaced by covenanted Europeans?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Mr. L. Birley): No Anglo-Indians have been removed from Government service in Bengal in order to make room for Indians or Europeans.

Khulna Ghat Steamer Station.

2. **Babu HEM CHANDRA NASKER:** (*a*) Will the Hon'ble Member in charge of the Marine Department be pleased to state whether he is aware that seven or eight steamers leave Khulna Ghat station every day for different places?

(*b*) Is it a fact that there is no passenger shed at the said station, although a large number of passengers travel through this station?

(*c*) Is it a fact that during the rains the passengers are greatly inconvenienced with their luggage, etc., for want of a passenger shed?

(*d*) Are the Government considering the desirability of drawing the attention of the Steamer Companies to this matter as early as possible?

The Hon'ble Mr. J. DONALD: (*a*) Yes.

(*b*) to (*d*) The hon'ble member is referred to the reply given to question No. 2 asked by Maulvi Sayyed Sultan Ali on the 13th August, 1925.

Labour Disputes.

3. **Mr. K. C. RAY CHAUDHURI:** (*a*) Will the Hon'ble Member in charge of the Department of Commerce be pleased to lay on the table a statement showing—

(*i*) the number of labour disputes affecting the jute mill industry which occurred between 1st of March and 31st of May, 1926;

(*ii*) the number of mill-hands affected; and

(*iii*) the number of working days lost?

(*b*) Have the Government received any information about the causes of the strike at (*i*) Meghna Jute Mill (Jagatdal) during the first week of March, (*ii*) Anglo-Indian Jute Mill in last week of April

and third week of May, (*iii*) Indian Jute Mill, Serampore, in March, and (*iv*) Gouripur Jute Mill in April, 1926?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Member be pleased to place on the table the information received?

MEMBER in charge of DEPARTMENT of COMMERCE (the Hon'ble Mr. J. Donald): (*a*) (*i*) Eleven disputes.

(*ii*) Approximately 47,267 hands.

(*iii*) Approximately 338,582 working days.

(*b*) Yes.

(*c*) Government are not prepared to publish this information for the reasons given in answer to unstarred question No. 9 put by the member on the 3rd December, 1925.

Taxation Committee Report.

4. Babu AMULYA DHONE ADDY: (*a*) Will the Hon'ble Member in charge of the Finance Department be pleased to state whether the Government have taken any action for the reduction of taxes in accordance with the recommendations of the Indian Taxation Enquiry Committee?

(*b*) If so, will the Hon'ble Member be pleased to state the taxes of this Province which the Government propose to reduce?

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Mr. J. Donald): (*a*) No. The report of the Indian Taxation Committee was submitted to the Government of India. The Government of Bengal are awaiting the instructions of that Government before making a detailed examination of the proposals in the report.

(*b*) The question does not arise.

Karnapur station on the Khulna-Bagerhat Railway.

5. Babu HEM CHANDRA NASKER: (*a*) Is the Hon'ble Member in charge of the Department of Public Works (Railways) aware that passengers are inconvenienced for want of a female waiting-room at Karnapur station on the Khulna-Bagerhat Railway?

(*b*) Are the Government considering the desirability of drawing the attention of the Eastern Bengal Railway authorities to this matter?

The Hon'ble Mr. J. DONALD: (*a*) and (*b*) Government have already drawn the attention of the Eastern Bengal Railway authorities to this matter.

Lower subordinate engineering service.

6. Babu HEM CHANDRA NASKER: (*a*) Will the Hon'ble Member in charge of the Department of Irrigation be pleased to state whether it is a fact that the officers in the lower subordinate grade of the Department of Irrigation are not promoted to the subordinate grade?

(*b*) Is it a fact that in case of a vacancy in the subordinate grade it is generally filled up by outsiders in spite of the departmental recommendation for appointments from the lower grade subordinate staff?

(*c*) If the answers to (*a*) and (*b*) are in the affirmative, are the Government considering the desirability of inquiring into this matter?

MEMBER in charge of DEPARTMENT OF IRRIGATION (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur of Nadia): (*a*) Promotion to the subordinate engineering service is restricted to those lower subordinates who are considered fit in all respects.

(*b*) When no lower subordinate is considered suitable for promotion, appointments are made from outside.

(*c*) No.

Tolly's Nala.

7. Babu AMULYA DHONE ADDY: (*a*) Has the attention of the Hon'ble Member in charge of the Department of Irrigation been drawn to the depression of trade in the Southern Suburbs of Calcutta due to the gradual silting up of the Tolly's Nala and to the closure of the said nala to boat-traffic from and to the Bidyadhari river?

(*b*) If so, will the Hon'ble Member be pleased to state what steps are proposed to be taken for the re-excavation of the said nala and its opening to boat-traffic?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) No; there has not been any falling off of the traffic in the Tolly's Nala.

(*b*) Silt clearance from the bed of the Tolly's Nala has been carried out from time to time as considered necessary. I have already stated, in the reply given to the unstarred question 8 (*a*) put by the member in the Legislative Council meeting on 13th August, 1925, that Government does not intend to reopen the connection of Tolly's Nala with the Bidyadhari river.

Casualties during Calcutta Riots.

8. **Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI:** Will the Hon'ble Member in charge of the Police Department be pleased to lay on the table a statement of the total casualties among Mussalmans and Hindus, respectively, and the localities where the casualties occurred during the recent riots in Calcutta from the 2nd of April to the end of May last, in the following form:—

(*i*) deaths;

(*ii*) grievous and serious injuries; and

(*iii*) other injuries?

The Hon'ble Mr. L. BIRLEY: No record was kept of the exact localities where casualties occurred, nor could it have been, because in many cases the only fact known is that the injured person appeared at a hospital. The records of the numbers of persons injured include only those whose injuries were so serious as to warrant admission to hospital. It is therefore impossible to give figures for slight injuries. The figures for the period April 2nd to May 9th are as follows:—

Deaths: Hindus, 54; Muhammadans, 50.

Persons injured: Hindus, 499; Muhammadans, 451.

Arrests under the Presidency Area (Emergency) Security Act,

9. **SHAH SYED EMDADUL HAQ:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to lay on the table a statement showing since the passing of the Presidency Area (Emergency) Security Act up to the present time—

(*i*) the number of persons arrested under the Act in the Presidency Area, showing both Hindus and Muhammadans separately;

(*ii*) the number of persons turned out of the Presidency Area;

(*iii*) the number of persons released, if any;

(*iv*) the number of persons sentenced for offences against the Act; and

(*v*) the number of cases pending at the present time?

(*b*) If it is found that the number of the arrested Muhammadans is greater than that of the Hindus, will the Hon'ble Member be pleased to show the cause thereof, if any?

The Hon'ble Mr. L. BIRLEY: (*a*) (*i*) Arrests are not made under the Act except for breaches of orders of externment. Twelve persons have been so arrested up to the 30th of June, 1926, viz., 10 Hindus and 2 Muhammadans.

(*ii*) Eighty persons, up to 30th June.

(*iii*) None.

(*iv*) Four persons, up to 30th June.

(*v*) Cases of 8 persons, up to 30th June.

(*b*) Does not arise.

Proposed Board of Secondary Education.

10. Babu HEM CHANDRA NASKER: Will the Hon'ble Member in charge of the Department of Education be pleased to state—

(*a*) Whether it is a fact that the Government have sent to the Calcutta University the draft of a Bill for creating a Board of Secondary Education in Bengal?

(*b*) Whether Government have suggested abolishing the Board of Secondary Education at Dacca if the proposed Board be established?

(*c*) When do Government propose to introduce a Bill in the Legislative Council for creating a Board of Secondary Education?

MEMBER in charge of DEPARTMENT of EDUCATION (the Hon'ble Mr. J. Donald): (*a*) No; certain proposals have been made to the University.

(*b*) No.

(*c*) No decision has been reached.

Alleged looting of Ramzan Lane "bustee."

11. Mr. H. S. SUHRAWARDY: (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether it is a fact that the Ramzan Lane *bustee* (Jorabagan thana) was looted by the Hindus after the cessation of the recent Calcutta riots?

(*b*) If so, what is the date of the loot?

The Hon'ble Mr. L. BIRLEY: (*a*) It is not a fact.

(*b*) The question does not arise.

Non-official [illegible]

Resolutions

(on matters of general public interest).

THE following motions were called but not moved:—

Maulvi SAYEDUL HOQUE: "This Council recommends to the Government that immediate steps be taken to open and provide for a technical and vocational institution at Dacca, beginning with classes imparting lessons (both theoretical and practical) in the tanning industry."

Maulvi ASIMUDDIN AHAMAD to move, by way of amendment, that in the above motion for the words "beginning with classes imparting lessons (both theoretical and practical) in the tanning industry" the follwing be substituted, namely:—

"and that a Committee consisting of the following members be formed to prepare a scheme for the purpose and to submit the same within three months from the date of the passing of this resolution and that the number of members whose presence shall be necessary to form a quorum shall be five:—

1. Mr. J. H. Lindsay;
2. Mr. E. F. Oaten;
3. The Vice-Chancellor, Dacca University;
4. Mr. A. F. Rahman;
5. Mr. Kiran Sankar Roy;
6. Maulvi Abdur Raschid Khan;
7. Maulvi Md. Nurul Huq Chaudhury;
8. Babu Naliniranjan Sarker;
9. Maulvi Sayedul Hoque; and
10. Mr. Nirmal Chandra Chunder."

Appointment of a committee to inquire into the administration of the Calcutta Police.

Mr. H. S. SUHRAWARDY: I move that this Council recommends to the Government that a committee of inquiry, consisting of two Government officials nominated by the Government, and the following non-officials, with a non-official Chairman, be appointed to inquire into

the administration of the Calcutta Police and to suggest ways and means for increasing its efficiency and decreasing the cost:—

(*a*) Dr. Bidhan Chandra Roy;

(*b*) Rai Harendranath Chaudhuri;

(*c*) Dr. Pramathanath Banerjea; and

(*d*) the mover.

When I speak on the resolution, my speech will naturally fall into three parts. One will deal with the administration of the Calcutta Police, the other will refer to its efficiency, and the third will deal with its cost. With regard to the personnel, I may say at the outset that if Government are prepared to accept the resolution that a committee of inquiry be appointed, I would like to leave the personnel entirely to Government, and they may appoint any one on the committee who they think will be able to place before them a report such as they may rely upon and may be able to act up to.

Mr. PRESIDENT: How can that be done if this motion be carried? You must confine your remarks to this motion.

Mr. H. S. SUHRAWARDY: I am only making this suggestion.

Mr. PRESIDENT: You must confine your remarks now to the subject-matter of the resolution.

Mr. H. S. SUHRAWARDY: That is so. I shall confine myself to the resolution, but I was pointing out that it was open to the Government either to accept it, reject it, or modify it. They may act up to it or not, but if they find that it is the desire of the House that a committee of inquiry should be appointed, they may appoint anybody they think would best suit for the purposes of the resolution.

When I first tabled this resolution, and that was nearly a year ago, the reasons which actuated me then were somewhat different from the reasons which I shall urge to-day for the acceptance of the Council. In those days the condition of the police, particularly the administration of the north of Calcutta, left much to be desired. We, who live in Calcutta, were entirely at the mercy of the *goondas*. There were cocaine dens galore, gambling dens, auction dens, where persons who came to purchase goods were robbed right and left and they were done away with if they created any noise. The exactions of the traffic police and the river police had made the Calcutta Police a bye-word in the annals of police administration. These, fortunately, do not exist at the present moment, and I feel perfectly sure that, under the able administration of Mr. Hunt, there is little likelihood of a recurrence of those evils which made life in Calcutta scarcely worth living. To-day, however, the administration suffers on

account of its top-heaviness. We find that there are a very large number of superior officers who are placed in charge of unimportant departments. If I am not mistaken, there are six Deputy Commissioners, and about 14 or 16 or 20 Assistant Commissioners—the figures vary according to the requirements of the police and the exigencies of the department—to manage the few thanas in Calcutta. It is necessary, therefore, that we should see whether it is essential that there should be so many superior officers in the Calcutta Police. If we come to the rank of Inspectors and Sub-Inspectors, we find there a deficiency in the administrative capacity on account I must frankly say—of the disparity in numbers between Hindu and Muhammadan officers. When we come to the constables we find precisely the same thing—a large number of Hindus and a small number of Muhammadans—and the result is that the interests of Muhammadans in the town of Calcutta suffer considerably. Now, Sir, as you know very well my views with regard to politics, I would never have raised this question had it not been for the fact that these riots had brought home to us that in order that the police may be efficient in Calcutta, there must be a strong leaven of Muhammadan officers as well as Muhammadan constables in the service. I do not know whether it is necessary for me to place elaborate facts and figures before the Council. It is well known, if we consider the second portion of the riots, that the casualties amongst the Muhammadans were far greater than those amongst the Hindus, and on one day, so far as I remember, ten Muhammadans were killed without there being a single casualty amongst the Hindus. I do not say that because so many Muhammadans were killed, an equal number of Hindus ought to have been killed. What has been the result of this? The result of it has been that more Muhammadan shops have been looted practically all the shops between Harrison Road and Jorabagan Court I particularly refer to the shops at Khengraputty, about which an honourable mention was made in a *communiqué* issued by Government. I did go and state to the Commissioner of Police that the shops of the Muhammadans were looted—

Mr. PRESIDENT: Are you offering a personal explanation or speaking on the resolution?

Mr. H. S. SUHRAWARDY: In order that I may explain the object of my resolution, I have to offer a personal explanation.

Mr. PRESIDENT: But you must also consider its relevancy as well.

Mr. H. S. SUHRAWARDY: I was very glad to find that there was no evidence that the police and the soldiers had looted the shops at Khengraputty. It was stated in the *communiqué*, however, that

some evidence was offered by me at the time. This is not true, because Kheugraputty——

Mr. PRESIDENT: Order, order! I cannot allow you to go on like this. You must speak on the resolution.

Mr. H. S. SUHRAWARDY: I was speaking on the resolution and was referring to the shops at Khengraputty. There was one particular shop at Khengraputty—and in the *communiqué* although it was mentioned——

Mr. PRESIDENT: What is the relevancy of this to your resolution?

Mr. H. S. SUHRAWARDY: Because it will show the efficiency of the police! There were six shops looted in Khengraputty, but the information given to Government was that only two were looted, and this shows that the police, at any rate, those who supplied the Government with that information are not efficient and do not know their business. I will not refer any more to that *communiqué*, but I will point out the difference that there was between the way in which the Muhammadan offenders and Hindu offenders were treated. Coming to the shops at Khengraputty, they were the biggest places of business in Calcutta, their goods were goods that were sold throughout Calcutta. The loot lasted at least three days; I had been there on two occasions, and on the second occasion I found more shops had been looted and the whole place was littered with cases of goods. There was a safe which was taken out of one of the shops and broken open and lying there for three whole days without being removed. The safe is still lying there. The shopkeepers state that goods worth at least Rs. 4 to Rs. 6 lakhs have been taken away from there from time to time. Hardly a single person has been sent up for that offence; it is only very lately that a man has been sent up.

Mr. PRESIDENT: In that case you should not mention that matter at all.

Mr. H. S. SUHRAWARDY: One man was sent up, but I do not say that he is guilty. Look to the looting of a shop in Eden Hospital Road, at the junction of Eden Hospital Road and Central Avenue; that shop was looted on Friday, the 2nd April, at about 11 o'clock. I happened to be passing by that place; I went to the shop—it was a Hindu shop—and I stopped the looting. For that offence 14 persons were sent up by the police.

Mr. PRESIDENT: Order, order! The matter must be *sub judice* and you cannot refer to that.

Mr. H. S. SUHRAWARDY: No. The matter is not *sub judice;* the case has been decided. Fourteen persons were sent up on a charge of dacoity to the High Court Sessions in Calcutta and they were found not guilty of dacoity or rioting, but they were found guilty under section 411 for being in possession of stolen property, some portion of which was recovered, and the sentence passed on them is 2 years 8 months' imprisonment. For precisely the same offence the Hindu offenders had not had the honour of appearing at the Sessions Court in Calcutta and their punishment had been for a fortnight or for a month and sometimes a fine of Rs. 15 or Rs. 20.

Mr. PRESIDENT: But what are you driving at? Are you casting a reflection upon the judiciary?

Mr. H. S. SUHRAWARDY: No, no.

Mr. PRESIDENT: But that is what it amounts to. You must be relevant in your arguments.

Mr. H. S. SUHRAWARDY: The relevancy of my argument is that the Hindus were charged with slight offences.

Babu DEBI PROSAD KHAITAN: May I rise to a point of order? How does Mr. Suhrawardy suggest that the police are responsible for the amount of punishment which the judiciary dealt to the Muhammadan accused?

Mr. PRESIDENT: What is your point of order? You cannot make a long speech.

Babu DEBI PROSAD KHAITAN: Mr. Suhrawardy moves a resolution recommending an inquiry into the conduct of the police, but how does he suggest——

Mr. H. S. SUHRAWARDY: I appreciate the point. The reason why I raised the point was that an offence under section 411 is not of a type to go to the Court of Sessions, but people were sent up on charges of dacoity and rioting, which are triable in a Court of Sessions, and obviously a much heavier punishment was inflicted on them. This happened only in a shop the owner of which admitted that goods worth Rs. 2,000 had been stolen from that shop. Can it be denied that the number of murders of Hindus and Muhammadans have been the same or very nearly the same? Again, I do not wish to say that because a large number of Muhammadans have been sent up to the Sessions on charges of murder, that I would like to see Hindus being sent up for murders, too, because my view is that in most cases

innocent persons have been arrested and sent up, and I feel perfectly sure that that if the Hindus had been similarly arrested and sent up, they would have been found as innocent as the Muhammadans, although certain courts have decided that the Muhammadans sent up were guilty.

Now let me place before you certain facts and figures which will show you how leniently the Hindus have been treated by Hindu officers and how they have not been arrested by Hindu officers in their various jurisdictions, and how the Muhammadans have been arrested from time to time, even for slight offences. I will have to place these before you a little bit in detail, although I cannot place all the information I have with me, but they are at the disposal of anybody who cares to avail himself of them from me. The figures will speak for themselves. These figures were collected by me when the Council sat on the last occasion and I can only give them as they stood at that time. The figures will show that the Muhammadans have been sent up not only for serious offences under sections 302 and 304, but also on slight and minor offences, while the Hindus have been sent up only on minor offences such as of being in possession of stolen property or possession of property alleged to have been stolen. The figures, I think, will speak for themselves and will make anyone aghast to see the differential treatment that has been meted out to the Muhammadans by the Calcutta Police.

Let me place the figures before you. They were 32 cases under sections 143, 145, 147, 148 and 188, in which there were 339 Muhammadans and 73 Hindus charged under sections 380 and 114, Indian Penal Code, there were 17 cases—10 Muhammadans, 44 Hindus; for receiving stolen property and dacoity under sections 441, 395, 7 cases— 31 Muhammadans and 10 Hindus; 9 murder cases under section 302, Indian Penal Code—69 Muhammadans; and 2 cases against one Hindu subsequently discharged by the Deputy Commissioner himself; for grievous hurt there were 4 cases against 5 Hindus and 3 cases against 9 Muhammadans. You can see how in murder charges as many as 69 Muhammadans were sent up, while only one Hindu was sent up. Afterwards one Hindu was sent up who was tried at the Court of Sessions and acquitted. This is in exclusion of the Garhpar riot case where 8 Bengali Hindus were sent up for being in possession of firearms and manslaughter.

Now, if we look at the records at the Jorabagan thana, I think that out of 42 shops in that thana belonging to Muhammadans, 35 were looted. We scarcely find any case sent up against them. While, if we look to what has been done by the Bowbazar thana, where a murder was committed—Dogra Gully (Phear lane)—we find that as many as 150 persons were sent up to the Court for dacoity and three raids committed on house property there. Even now the officers there are bent upon sending up Muhammadan after Muhammadan under the

Security Act. Let me tell you how the Security Act is being administered. We passed this Act the other day for the purpose of proceeding against persons who were actually engaged in an offence with weapons or it was supposed or feared that they would be so engaged. What will you say of persons having been sent up from places where no riot had ever taken place or any offence committed during the course of the riots? I may also allude to a case in which a man was sent up, but who had committed no offence. I may also make mention of a case in Paikpara, and if the Hon'ble Member in charge would like to have particulars regarding it, I can give them to him. I refer to a Hindu shop there which was not looted, but some Muhammadans simply spilt some rice and *dál* in that shop. The mahaladars came to the shop and turned them away, and just then the police appeared and arrested those who were respectable Muhammadans of that locality. In this connection I may say that the Marwari gentleman whose shop was looted and who had seen the whole affair with his own eyes could not bear it; and so he came to me and said that he would like to make a statement before the police that those persons who had been arrested had nothing whatever to do with it and were perfectly innocent and they might be let go. He did make that statement before the Deputy Commissioner of Police and these men were discharged. Would you believe, Sir, that although no riot took place, one of these men has since been arrested, the charge against him being that he had a knife in hand when the police came. I can multiply innumerable examples like these. These cases were brought against people under the Security Act—people, most of whom were illiterate and knew nothing whatever of the Act or their rights under the Act, whether they had ever the chance of making any representation to Government. The papers were placed before the Deputy Commissioner of Police and I do not know what sort of inquiry was made, but orders were passed against them and they were sent away. As I have already said, Sir, I can cite innumerable cases like this. The sacking of *bustees* in Parsibagan, where 150 Muhammadan houses were broken open and looted; in Sahebbagan, in Maniktala, where a mosque was entered into by the police; in Taltola, in Teretibazar, and Dogra Gully, in Giri's Babu's Lane—all those could be cited and placed before the House, and they would be satisfied that there was hardly any ground for the action, the very drastic action, the very cruel, oppressive action, which the police took in these cases. The object of these remarks of mine is merely this: that these riots have borne home to every fair-minded man that in order that justice may be done between party and party, there must be a stronger and better leaven of Muhammadans in the Calcutta Police than there is at present.

That justice may be done between party and party there must be a stronger leaven—a better leaven—of Muhammadans in the Calcutta Police than there is at the present moment. If this is not done the

feeling will get about—as the feeling has got about now—that the police are prepared—I am only speaking of the Hindu police officers and I am far from making any charges against the European police officers, who, I must say, have in this respect shown the utmost fairness and impartiality—to be oppressive on the Muhammadans. I must also plead guilty to one thing, namely, that the police officers—the sergeants—of the Calcutta Police against whom, Sir, you and I once used to be extremely bitter, proved themselves to be true police officers during these riots. There have been one or two instances where there has been dereliction of duty, but I am perfectly certain—and I can say on behalf of the Muhammadans and on behalf of those who have suffered at the hands of the police—that had it not been for the European sergeants, the condition of Muhammadans would have been very bad in Calcutta. In one particular instance, Sir, I know for myself in a certain house which is in Mechuabazar Street, there was a certain gentleman—a Peshwari—who was so severely beaten by some constables that if the next five or six *lathi* blows had fallen upon him, it would have ended him; but just then a sergeant rushed into the room and saved the man's life. There have been innumerable instances like this, and if the police—if Government—are really anxious to know how the police behaved during the course of these riots, the best persons—and the persons who can be said to be fair—are the sergeants, from whom Government can get the reports; and I think that Government will support me in the contention which I have placed before them. Now if we accept this proposition that if there is no fair proportion of Hindu and Muhammadan police officers, in the Calcutta Police, the feeling is likely to get about that the police are out to look after the interests of the Hindus in Calcutta and to suppress the Muhammadans in the various localities. As it is, the *bustees* in Mechuabazar, in Parsibagan, in Kalabagan, are denuded of more than half of their Muhammadan inhabitants,—and most of them have left this place,—and if this goes on, then, I think, that this city will not be worth living for Muhammadans. It may please the Hindus that so many Muhammadans have left this city—and they may do whatever they like—it may please them, because to many at any rate all Muhammadans are *goondas*. I can show them that the poorer people who live in these *bustees*, although they are not so rich as my Hindu friends, are——

Mr. P. N. GUHA: May I rise to a point of order, Sir? Why are the Hindus being generally attacked and why also the Hindu press for what they are writing and saying?

Mr. H. S. SUHRAWARDY: I think it is very difficult to keep to the point and one is bound to be a little irrelevant sometimes in order to press home the point he is making. Now, so far as this proposition is concerned, I think the Hon'ble Member will agree with me that

there is urgent necessity for a better proportion of Muhammadan officers in the Calcutta Police. Now, I am told that good Muhammadan officers are not available. I desire to repudiate that charge, for I know it for certain that whenever there is any vacancy announced in the papers, a very large number of Muhammadans apply. I have practical experience of it. My connection with the Corporation has shown that should there be only four vacancies advertised, more than two thousand Muhammadan applicants come forward to apply for those posts. And therefore if you are really keen on taking in Muhammadan officers, I have not the least doubt that Muhammadan officers will be forthcoming; and I do not know how else I can convince the Hon'ble Member about it, but I shall certainly be glad—and I think many of us will be glad—to render what little service we can to Government in this connection. In this connection I might say that there is a legitimate grievance amongst the Muhammadans here in regard to the administration of the Calcutta Police, for I could cite innumerable instances, and place them before the Government or before any committee of inquiry, of Muhammadan officers who have been superseded. I might also add that whenever we have got round and complained, we have been told that Government could not appoint Assistant Commissioners from Muhammadan officers——

[The member having reached his time-limit was asked by the Hon'ble the President to bring his remarks to a close.]

Mr. H. S. SUHRAWARDY: I shall finish in a few minutes.

Mr. PRESIDENT: I can give you one minute more, just to finish the sentence.

Mr. H. S. SUHRAWARDY: . . . . . and that Muhammadan officers are not fit for superior grades. They are passed over and others, who are below them, are placed above them.

[At this stage Shah Syed Emdadul Haq wanted to move his motion, No. 4.]

Mr. PRESIDENT: Have you got the consent of all the members named in your motion?

[Shah Syed Emdadul Haq explained that he had received the consent of only one member.]

Mr. PRESIDENT: In that case I cannot allow you to move the amendment. I disallow it.

Mr. P. N. GUHA: I am not one of those who have very great confidence in the administration of the Calcutta Police; therefore, I thought that some good might come out of an inquiry which has been suggested by my friend, the mover of the resolution. For this reason

I thought of supporting the first part of my friend's resolution. But the speech that has been delivered by my friend was nothing but a hymn of hate, as Sir Hugh Stephension once said, against the Hindu police of Calcutta in particular and against the Hindus in general. Mr. Suhrawardy has not concealed the fact that the object of his inquiry is to decrease the number of Hindu officers in the police force and to increase the number of Muhammadans in proportion. Well, Sir, that is an object with which I have every sympathy, but then I, as a Hindu, cannot let this charge go unchallenged—that the Hindu officers, simply because they are Hindus, oppressed the Mussalmans. Mr. Suhrawardy has mentioned several instances. I was not so closely connected with the riots as he was and, therefore, I have not got the figures, but the whole point is that his attack is not against the administration of the Calcutta Police, as carried out by the Commissioner of Police, but only against the Hindu officers of the Calcutta Police force. He has made it perfectly clear that the European element has been doing its work admirably well. At the outset he did not forget to mention that Mr. Hunt, who was placed over a Hindu police officer, was sure to do better in the northern quarter of the town; and at the conclusion he has paid a eulogy to the sergeants. I do not grudge the good luck of the Europeans, but I must say that his attack on the Hindu police in particular and on the Hindus in general in that connection was nothing but absolutely communal and I strongly protest against the resolution which has been actuated by communal bias. I very strongly resent the hatred which has been displayed by the mover against my community.

Sir ABD-UR RAHIM: Mr. President, I support the main portion of the resolution, namely, that Government should hold an inquiry into the police administration of Calcutta, and in doing so I am fully conscious of my responsibility. I for one can never be charged by any one that I do not want a strong Government, and I know full well that you cannot have a strong Government without the presence of a strong police department. Because I am a believer in strong Government—a Government that is able to keep peace and tranquillity and to deal with offenders of all communities with firmness and impartiality—that is why I am supporting this motion for an inquiry. Sir, it is well known to every one—certainly to Government—what difficulties Government have had to experience time after time in this Council when any demand was brought up for the police, especially the Calcutta Police. Is it not a fact that they cannot put forward schemes for improvement without thinking ten times how the Council will take it? It cannot be denied that somehow or other the public do not regard the police administration as efficient—it is certainly not popular—and Government ought to have a proper public inquiry. I should like all those difficulties which Government experience from

time to time disappear and I believe that there is a good case for inquiry. I am not going to lay any charge or to make any insinuation against any individual officer and I should be the last person to do anything of that sort. I know there are many worthy officers and men in the Calcutta Police force, but that is not the point. There is something in the organisation, something in the composition, something in the working of the force that does not appeal to the Calcutta public. If that was the state of things before the riots, surely the terrible communal riots that we have witnessed in Calcutta have raised prblems which require considerable readjustment of the Calcutta Police force. If any one denies that, then I must say that he is ignorant of how things stand.

As for the nature of the fight, it could not have been more brutal—more fierce—more inhuman, and I am indeed sure that, except during the war, the nature of injuries that were inflicted during the recent riots far exceeded in brutality anything that happens in an ordinary fracas. What does that show? It shows that whatever the reasons, there is a mass of intensely bad and bitter feeling between sections of the two communities not only here but also as a matter of fact throughout the length and breadth of India. It is a problem that has been facing India for some time and no cities in India can fail to be fully prepared for such emergencies. I say on the facts—apparent and obvious facts—with all the emphasis that I can command, that it cannot be said that the present organisation of the Calcutta Police force is adequate to meet such a calamity as Calcutta has recently witnessed. These riots went on for over a month in the very heart of Calcutta, in spite of all the resources which were at the command of Government to cope with it. I am sure that the whole civilised world must have looked aghast at what was going on. In fact, these riots were at least brought under control. Do you think that the fighting elements changed their natures at once? No. Something was wanting in the arrangement that was made at first. Considering that the riots went on with unabated fury and brutality and for such length of time, surely, Sir, it is a matter of very serious consideration why they were not brought under control much earlier. Was it because the forces that were ultimately employed were not employed in the beginning? I say, Sir, this is a very serious question.

Another question is: Was this riot fortuitous and accidental? No one with a bit of common sense can say that it was so. It has been going on for years—this communal fighting—all over India, and the nature of the riots that took place in Calcutta on both the occasions showed that they could not have been accidental. There must have been organisation—there must have been preparation behind it. Then I ask what was the police—the Intelligence Branch of it—doing all the time? Surely it either did not know its business or it did not supply the information to Government which it ought to have done,

or the Government did not understand the value of its report. If there were preparations—if there were organisations—why the police failed entirely to deal with them. I have already asked for a public inquiry into what has been going on, but I am sorry to find that Government has paid no heed to it. Then, Sir, it is said, and said publicly, that there is a section of rich people living in Barabazar—I mean the Marwari community—who are complaining that they cannot protect themselves, their wealth, their personal liberty—their persons and even the very honour of their womanhood—because of the local bad characters. They allege that they have been obliged to keep in their employ a number of *durwans*—men imported from up-country—for their protection, that is to say, the police are powerless to protect these rich Marwaris of Calcutta and so they have to hire these up-country men for their protection. I ask you, Sir, in all seriousness, is that regular? I ask, is it right that, in order to meet certain local bad characters, these men must be allowed to import other bad characters from outside?

Babu DEBI PROSAD KHAITAN: I am sure Sir Abd-ur Rahim has *durwans* in his employ—men imported from up-country?

Sir ABD-UR RAHIM: I do not import any *goondas*. There are rich men who are financing the whole organisation. [Question.] If that is so, then, Sir, it raises a very serious question. Then what about the incidents of the riot? Is it not a fact that complaints have been made by hundreds of Muhammadans that certain parts of Calcutta were——

The Hon'ble Mr. J. DONALD: Is the resolution under discussion No. 43 or No. 3?

Mr. PRESIDENT: I am sorry I could not follow you.

Sir ABD-UR RAHIM: The subject under discussion is No. 3. Surely, Sir, the police administration of Calcutta has manifested its inefficiency during the recent riots. [A voice: It is quite irrelevant.] If that is not relevant, what is relevant?

Mr. PRESIDENT: Please go on.

Sir ABD-UR-RAHIM: For illustration, one morning I received a telephonic message from an hon'ble member of this House that three dead bodies were lying near about his office in Burra Bazar and that there was no policemen even to remove them. Then, I 'phoned to the police headquarters and had them removed. Sir, that portion of the city was left practically unprotected and unpatrolled with the result that many innocent passers-by fell easy victims to these hired assassins' knives and lathies (a voice only Muhammadans).

Sir, Mr. Suhrawardy has given you figures so far as investigation is concerned. I have been trying to get figures both as regards the serious charges and other minor charges which ended in fines of 5 or 10. I know hundreds of Hindus have been sent up for trial on merely minor charges but you will find from the list of casualties that the number of Hindus and Muhammadans according to the Police figures is about equal proportion - a little more on one side or the other. And what do we find? Among the serious cases that are sent up for trial, the cases against Hindus are far fewer and hardly any case of murder against any of them. If that be so, how did the fifty Muhammadans meet their death? Surely they were not killed by their own co-religionists. Sir, this fact again proves forcibly that a committee of inquiry is needed. Then, Sir, instances have already been cited to show that Muhammadan shops have been looted and their *bustees* raided. And it is a fact that owing to this, thousands of Muhammadans have left Calcutta; they were really among the honest working classes of Calcutta. They all have left terror-stricken—not on account of the Hindu *goondas* but I am afraid on account of oppression by a section of the Hindu police. Sir, this is a state of things which requires careful investigation. These riots show a terrible state of feeling existing between a certain section of Hindus and a certain section of Muhammadans. (A voice—And who is responsible?) and therefore I say there can be no justification in such a state of things to have 90 per cent. or 80 per cent. of Police officers and men composed of Hindus. Every Muhammadman whom I met—and in fact hundreds have spoken to me on the subject—all unanimously feel that life, limb and property of Muhammadans is insecure under these conditions. (A voice—Surely they are all Muhammadans.)

As regards these communal riots, Sir, I have seen it suggested that the leaders should have done this or should not have done that. I say that if the Indian leaders both Hindus and Muhammadans had been wise and far-sighted India would not have been the unhappy country which she unfortunately is and my friends on the right would have been *funcuts officio*. It is because of our incompetence that Englishmen have got to keep order and to see that things are kept straight. It is their business that peace, law and order should be maintained impartially in the city of Calcutta. I say these riots must not be treated as merely communal; they have a very serious political significance and if people do not realise this now they will do so soon.

Babu DEBI PROSAD KHAITAN: This resoution which has been moved by my friend Mr. Suhrawardy was given notice of several months ago—several months before the riots took place in Calcutta and I thought that after the report of the Commissioner of Police had been published my friend Mr. Suhrawardy would have been the last person to move a resolution of this character but I find to my utter surprise

that he has mustered up courage to move it in the Council under the shelter no doubt of the rules that obtain in regard to the speeches that are to be delivered here for otherwise I do not understand how in a resolution of this character of which notice was given some months ago for inquiry into the administration of the Calcutta Police, he could raise the question of riots which form the subject matter of resolution No. 43. Mr. Suhrawardy had also suggested a committee of inquiry the personnel of which was to have consisted of Dr. Bidhan Chandra Roy, Rai Harendranath Chaudhuri, Dr. Pramathanath Banerjea and the mover himself, though three of them are not present here in this Council to-day. This communal question should not have been brought in suggesting that it is the Hindu police officers who encouraged riots and loot to go on for over a month. I am quite at one with the Hon'ble Mr. Donald in thinking that, in the present state of communal intensity, the resolution, which the mover has moved, will only increase its intensity and thereby it will defeat the object which hon'ble friend, the mover has in view. Sir, the insinuation and allegation of dishonesty of the Hindu members of the Calcutta Police Force which have been levelled against them are nothing but rank communalism. I am afraid this spirit of communalism in my friend, Mr. Suhrawardy, has made his vision dim. Therefore, Sir, I strongly oppose the passing of this resolution.

My friend, Sir Abd-ur-Rahim, has stated that behind the communal riots there must have been an organisation. I believe Sir Abd-ur-Rahim has the fullest knowledge of that organisation. I have also heard it stated that there has been an organisation behind the riots and that it was due to some organisation, of which Sir Abd-ur-Rahim seems to be aware, that the riots continued for such a long time and assumed such a ferocity that innocent passers-by were stabbed from the back and Hindus are even now prevented from passing by the Nakshoda Mosque. I do not know that there was really any organisation behind it, though I heard it stated by some of my friends. However, my friend, Sir Abd-ur-Rahim, asserts with the greatest confidence that there was an organisation behind the riots and that there were some big people behind the riots. I do not wish to dispute the allegation that he has made:—it is the complaint of the Hindus that it is due to some organisation that the riots have not confined themselves only to Calcutta but have spread even beyond Calcutta and the honour of Hindu women is at stake. The Kushtea incident is still clear in our minds and in Pabna——

Mr. PRESIDENT: Mr. Khaitan, you should confine yourself to Calcutta.

Babu DEBI PROSAD KHAITAN: I confine myself to Calcutta. My friend, Mr. Suhrawardy, who is sitting behind me has quoted facts and figures showing that it was the Muhammadans only who have been

sent up for murders, for arson, for grievous hurt and for most of the offences provided for in the Penal Code. What a certificate he has given to his own community I cannot understand. But if he states facts only to show that simply because some Muhammadans have been sent up for committing heinous offences, some Hindus should also have been sent up for similar offences. I believe that no sensible member of this House will be able to understand the argument. My friend Mr. Suhrawardy has given a certificate to the European personnel of the police force. I hope my friend remembers that it was due to the Muhammadan clamour that in the district in which the riot assumed the greatest proportions the Hindu Deputy Commissioner was superseded by a European officer, Mr. Hunt. Now I believe my friend cannot assert that Mr. Hunt has been in conspiracy with the Hindus, or that Mr. Hunt has been prejudiced or biassed in favour of the Hindus. He knows perfectly well of the supersession of Rai Purna Chandra Lahiri Bahadur and that his own appointment as Deputy Commissioner of Northern Calcutta is due to Muhammadan agitation and that it is due to the Muhammadans that he holds that post. I do not think that Mr. Suhrawardy will allege for a single moment that Mr. Hunt of all the officers could be prejudiced against the Muhammadans and be in favour of the Hindus. If a larger number of Muhammadans have been sent up for trial, if the Judiciary have thought fit to impose greater punishments on the Muhammadan accused than on the Hindu accused, does it not corroborate what I said at the last session that it was the Muhammadans who are responsible for the riots and it was they who are responsible for the continuation of the riots for a longer period and for the most heinous manner in which they were conducted. Instead of pressing this resolution to the acceptance of this House, I would suggest to my friends Sir Abd-ur-Rahim and Mr. Suhrawardy that they should approach and explain to their coreligionists that it is not by stabbing Hindus, it is not by looting their shops, it is not by arson that the rights of Muhammadans will be secured, but it is by the development of a sense of nationalism, it is by a feeling that Hindus and Muhamadans must work and live together, that the economic prosperity, that the political prosperity and the religious security and even the honour of women of both the communities could be assured and could be secured. If that is the stand-point which my friend Sir Abd-ur-Rahim will take up, it will not go to advance the cause of fanaticism in the province, and then I am sure there would be no need for any inquiry——

Sir ABD-UR-RAHIM: I object to Mr. Khaitan making a personal charge.

Mr. PRESIDENT: Mr. Khaitan, you must not make any personal charges.

Babu DEBI PROSAD KHAITAN: I would say that if the leaders of both the communities would develop a sense of nationalism and explain to their coreligionists that they must live together and realise that Hindus and Muhammadans must live and work together, it is only then that their political rights could be secured.

Maulvi SAYYED SULTAN ALI: Is the question of securing political rights under discussion before the House?

Mr. PRESIDENT: It seems that is what Mr. Suhrawardy was driving at.

Babu DEBI PROSAD KHAITAN: My friend Sir Abd-ur-Rahim has made an allegation against the Marwari community that they import up-country durwans for the purpose of goondaism. With all the responsibility that I possess I deny that charge, although I admit that durwans are necessary for carrying on their business, for the protection of their property and for the protection of the honour of their womanhood. I do not understand what he means by saying "importing these men"; there can only be one significance to this. These human beings come from Mirzapur and other districts to Calcutta not to obtain employment but to practise goondaism, according to his significance. There is no truth in a statement or allegation or insinuation of that character. The Marwaris do carry on their business, they lend money to Hindus and Muhammadans, they take *hundis* from Hindus and Muhammadans, they sell goods to Hindus and Muhammadans, and they have got to send people out for the purpose of collecting money which is due either because of loans given by them or because of sale of goods made to various people. They sell goods, they lend money to people living in Colootola Street and Zakaria Street and in fact in every nook and corner of Calcutta.

Sir ABD-UR-RAHIM: What interest do they charge?

Babu DEBI PROSAD KHAITAN: They only charge that rate of interest which the borrowers agree to pay.

In answer to the allegation that Sir Abd-ur-Rahim has made I say that it is for these purposes that durwans have got to be employed. If people of other communities be as efficient and be found capable of rendering these services, surely there would be no objection to their being employed. I know of several cases in which Muhammadans have been employed by Marwaris even in responsible positions. We send out our women-folk in coaches driven by Muhammadan coachmen and sycee Do we not place the honour of our women-folk in their hands? Are not Muhammadan carters entrusted with the carrying of our goods from one place to another? Why is it that Sir Abd-ur-Rahim wants to make a communal question of this matter? We entrust them with

responsible tasks, and if they get the employment, it is because they are capable of performing their duties which are required to be performed by them. If Sir Abd-ur-Rahim be good enough to indent a large number of Muhammadans who would be capable of being employed in these duties, there would be no objection to employing them also. (A voice: Question.) A learned friend questions it. Surely he does not know the facts. I am speaking with a sense of responsibility and I may inform my friend that some of the highest employees in our mills are Muhammadans. Our spinning masters, our weaving masters and our mill-managers are Muhammadans and we have entrusted them with these responsible duties. If any person alleges that Hindus do not employ Muhammadans to responsible posts, then I may be excused for saying that he is talking through his hat. In any event this is not the proper time to hold an inquiry into the administration of police in Calcutta. The question may be taken up in better atmosphere when the communal bias is over, in conjunction with the Government. I do not understand how a committee composed of Dr. Bidhan Chandra Roy, Rai Harendranath Chaudhuri, Dr. Pramathanath Banerjea and Mr. Suhrawardy is to carry on an investigation of this character. I do not find 3 of the members proposed in this resolution present in the House. Well, Sir, I am really surprised that my friend Mr. Suhrawardy has at all moved this resolution. He has only made allegations in respect of the riots, but he has not suggested a single ways and means which he has in his mind for increasing its efficiency and decreasing its cost. All that he has suggested is that a larger number of Muhammadans should be employed. (At this stage the member reached the time-limit.) May I have two minutes more?

Mr. PRESIDENT: Yes.

Babu DEBI PROSAD KHAITAN: When Government say that suitable officers are not found for employment, my friend says that it will create the demand. May I ask my friend what is it that prevents the Muhammadans from being efficient barristers, efficient solicitors or efficient doctors? Nobody prevents them from rising to the highest ranks according to their merits. I have the fullest sympathy with the members of the Muhammadan community. I do wish them to rise, but I do wish them to rise on their merits, not on communal grounds, but as Indians highly qualified for the ranks they aspire to and not because of any bias simply because they are Muhammadans.

Haji Mr. A. K. ABU AHMED KHAN CHUZNAVI: I rise to give my whole hearted support to the resolution which has just been moved. It seeks to appoint a committee to enquire into the administration of the Calcutta Police Force and to suggest ways and means for increasing its efficiency. The paramount necessity for such a committee will be at once apparent if we consider the administration

and the working of the Calcutta Police Force during the recent unfortunate riots.

Now, Sir, the riot broke out in front of the Jorasanko Thana and the state of unpreparedness on the part of the Police can be inferred from the fact that it was not before sometime when several casualities on both sides had already occurred that the riots were dispersed. Almost simultaneously a Moslem was murdered at Pagiaputy a considerable way from the place of occurrence by infuriated Marwaris with a single blow.

The desecration of the Dinu Mians Mosque and the riot that broke out in front of the mosque in the afternoon of the 2nd April were followed by desecration of a Hindu temple and several cases of assault and murder in the Barabazar area.

As far as I understood, informations were carried to both Rai Bahadur P. C. Lahiri and Rai Saheb Mohendranath Mukherjee that preparations had been made for an attack on Jumma Pir Shrine and Nimtolla mosque, but no adequate precautionary steps seem to have been taken to prevent desecration and despoilment. The Muhammadan shopkeepers on Harrison Road, Chitpur Road, Pagiaputy, Cotton Street and Nutun Bazar had closed their shops from the previous evening. Looting began on the evening of Saturday the 3rd April from the Harrison Road crossing and extended down the Harrison Road towards the Howrah Bridge. A party of Hindu goondas broke one of the shops and looted its contents. Some of the police constables were seen taking a hand in the loot while the main body of the police force under the Deputy Commissioner and the Assistant Commissioner seemed to have kept an attitude of neutrality within a few yards.

From this time an orgy of riots followed, accompanied by assassination and arson. One by one a large number of Moslem shops of the Bara Bazar and the adjacent of Jorasanko area containing in many cases properties worth several lakhs were looted. During Saturday and Sunday the 3rd and 4th April the looting of Moslem shops continued up to Chitpur Road and then down the Nimtolla Ghat Street, *i.e.*, the area which was mainly inhabited by Hindus. Practically no arrest was made in this area during the progress of the looting. A gang of looters crossed over to the jurisdiction of Hare Street Thana and was arrested by Mr. Jennings with stolen goods. Police pickets were taken by the Deputy Commissioner and posted to protect many big Marwari and Hindu houses while at the same time no adequate arrangement seems to have been made for the protection of mosques and shrines.

From the beginning of the outbreak whenever any occurrence took place in the neighbourhood of a Moslem Bustee, prompt measures were

adopted for raiding the Bustees. In this way Moslem shops in Wellesley, the Moslem Bustees of Patuar Bagan, Suken Street, Sahebbagan, Belliaghatta, Baghmari in Manicktolla, Watganj in Kidderpur, Kalabagan in Jalliatoli, Phear Lane in Bowbazar were subjected to severe raiding. In a large number of cases even old men and women and children were assaulted inside the huts and properties looted, damaged, and persons were indiscriminately arrested. It is remarkable that there is no report of a single instance in which a Hindu house had been raided before the announcement of the then Hon'ble now H. E. Sir Hugh Stephenson's arrival on the 6th April, whereas hitherto Hindu goondas after committing murder and pillage had been systematically taking shelter in many known Marwari and Hindu houses and in the buildings of European business firms under the very eyes of the police.

Guns have been fired from the balconies and house tops of Hindu houses indiscriminately upon the crowd resulting in many casualties and deaths. No attempt was made either to raid these houses or to take the guns into custody. It was reported that since the breaking out of the riots new gun licenses were issued to Marwaries and Bengalies in large numbers. Had the policy been adopted of raiding Hindu houses which harboured goondas and rowdy darwans and of rounding up the goondas and seizing the *lathis*, knives, daggers and guns which have been responsible for such a heavy toll of casualities as was done in the case of Muslim Bustees from the 4th of April much of the deplorable features of the riot and the resultant loss of life and property might have been avoided.

The disturbance has disclosed certain main features which call for careful consideration. While on the one hand, it is admitted and rightly admitted that the European element in the Calcutta Police Force from Mr. Armstrong, the Commissioner of Police, downwards have been most exemplary throughout and have worked hard day and night in doing whatever was possible in these difficult circumstances, the same cannot be said of the Indian element. About 80 per cent. or 85 per cent. of the Calcutta Police force is Hindu, nine-tenths of the constable have been recruited from the very same class from which the carters, durwans and armed retainers of Marwaries and Hindu goondas who have taken a prominent part in the riots are supplied. It will be news to many to learn that the upcountry carter and durwan population in Calcutta exceeds twenty thousand.

It has also been manifest that almost all murders, assaults and rioting have been the work of these upcountry carters, durwans and hooligans, and very few Bengalee Hindus have taken any part. To quote one instance—

The Nimtolla mosque is one of the oldest in Calcutta and was built during the time of Moslem Sway. It is a magnificent pile of

buildings right in the heart of the Hindu quarter. The damage that has been done to it is appalling. All the doors and all wooden work including iron and brass fittings were torn away and a bonfire was lit inside the mosque itself. This was entirely the work of up-country durwans and carters and not a single Bengalee Hindu had a hand in it. Again in almost 99 per cent. of the assaults, loot, murder and assassination it was the work of these upcountry men the *jatbhais* of the Hindu constable. It is therefore not surprising, human nature being what it is, that the majority of these constables should show sympathy and in many cases active sympathy towards their fellow castemen. To counteract the natural tendencies of such a constabulary it was necessary that officers who were free from racial prejudices should have been placed in command, but his was not done nor was it possible to do owing to the disparity of Moslem Police officers.

It was an established policy of Government at the time when Sir Fredrick Halliday was the Commissioner of Police that in the administrative force a balance of power was to be maintained by the employment of an equal number of European, Hindu and Moslem officers. In later years this policy has not been pursued and further more a preponderating number of Hindus of the caste mentioned above have been entertained in the rank and file of the Calcutta police force. In the superior service there is not a single mussalman officer. In the Northern Division which has been the nerve centre of disturbance out of 12 thanas there is only one Moslem officer in charge of most unimportant section. In the Southern town out of 6 thanas not a single Moslem is in charge of a thana. In the suburbs out of 6 thanas there are only 2 thanas under Moslem officers.

Now Sir, the demand for a committee of inquiry will be further strengthened when we consider that it will be for that committee to suggest remedies as to how the entire police force of Calcutta could be re-organised with a view to restoring the proportion as between the various communities, how far the European element should be strengthened, whether a Mussalman Deputy Commissioner should be appointed immediately from the Bengal Police if necessary, whether a sufficient number of Moslem officers should or should not be put in charge of the important thanas, whether Moslem Sub-Inspector of Police should or should not be recruited immediately to bring up their proportion to half the total and as a present measure whether some Moslem Sub-Inspectors should not be drafted from the Bengal and Bihar Police as it used to be done formerly, whether a large number of Moslem constables should or should not be appointed immediately.

Unless a committee of enquiry is appointed in order to look into these matters and suggest proper remedies I may at once say that the

Moslem can no longer have any confidence in the Calcutta Police as it stands to-day.

[At this stage the Council was adjourned for 10 minutes.]

[After the adjournment.]

Mr. S. C. MUKERJI: Mr. President, Sir, when I looked at the set of resolutions circulated for this session I thought that Resolution No. 3 was really meant for a committee to enquire into the general administration of the Calcutta Police and Resolution No. 43 was intended for a committee to go into the question of the recent Calcutta riots, but the two forceful speeches that have fallen from Mr. Suhrawardy and Sir Abdur-Rahim go to show that the real object behind this resolution is to ask for a committee to enquire into the Calcutta riots and to find a way for importing into the Calcutta Police a much larger number of Muhammadans. A careful reading of the resolution under discussion shows that it has come up in this Council in one form or another during the last six years, especially under the budget discussion, and all these years we have been accustomed to hear that the Europeans in the Calcutta police should be reduced in order to have a larger element of Indians and thereby to decrease the cost of police administration. Now, to-day, for the first time we have heard from the mover of the resolution that the Calcutta riots have revealed to him that the European sergeants are a real blessing to the citizens of Calcutta and had it not been for these European sergeants the Muhammadans would have been in a serious predicament. The Calcutta riots have at least done one good to Mr. Suhrawardy; they have changed his angle of vision and educated him in one direction at least.

I object to the resolution because the feeling that has been expressed in discussing it goes to show that this is not the time to go into an enquiry into the administration of the Calcutta police. My Muhammadan friends have made it perfectly clear by their speeches this afternoon that they have absolutely no faith in Hindu officers that are already in the police administration, and I am almost sure that if a larger element of Muhammadans were imported into the Calcutta police that would be exactly the feeling in Hindu minds. If you look to the speeches that have been delivered by my Muhammadan friends, the irresistible logic of those speeches drives you to the conclusion that so long as Hindus and Muhammadans are going to cut each other's throats in this fashion and so long as they entertain this sort of feeling against each other, the Calcutta police should be manned by non-Hindus and non-Mussalmans.

That is the irresistible conclusion to which one is driven. So long as there is this deplorable communal tension and this absolute distrust among Hindus regarding Muhammadans and among Muhammadans regarding Hindus—how in the face of this communal tension, how in the face of this deplorable fact, can you conscientiously say that the Calcutta police must be manned by Hindus and Mussalmans? What will be the result? Suppose there is an equal percentage of Hindus and Muhammadans among the police officers and we have a huge riot in the town of Calcutta. The Hindu officers will do their utmost to send Muhammadans as accused and the Muhammadan officers will do their utmost to send Hindus as accused—this will be the inevitable result. That is not the solution of the problem. The solution of the problem is more trust; in a greater spirit of reconciliation. The solution of the problem is that the Hindus should look upon the Muhammadans as their brothers and the Muhammadans should look upon the Hindus as their brothers. At present each community regards the other community as its deadliest enemy and in the face of this I am surprised to hear from Sir Abd-ur-Rahim, an ex-chief justice of Madras, that the solution of the problem lies in having a larger percentage of Muhammadans in the police administration.

Sir, what is the population of Calcutta and what is the percentage of the Hindus and Muhammadans?

I have the latest census in my hand. I find from this the 1921 census that the total population of Calcutta is 9 07,851. Out of this total population I find the total number of Hindus is 6 43,030 whereas the total number of Muhammadans is 209,066. Well, the Muhammadans in that case are less than one-third of the Hindu population. It is not exactly three-fourths and one-fourth, but certainly the Hindu population is much larger than two-thirds of the entire population. In these circumstances—in the face of these figures—how can Sir Abd-ur-Rahim—I do not speak of others, but I simply take Sir Abd-ur-Rahim into consideration, because I expect from his great things and I expect from him not only a judicial temperament in that kind of furore, in that kind of enthusiasm for ultra-communalism, but also a judicial judgment and discretion—I repeat how can Sir Abd-ur-Rahim say that there must be a much larger percentage of Muhammadan officers in the Calcutta police administration. I have already said, and I wish to repeat it, the irresistible logic is that the Calcutta Police should now be manned for the time being by non-Hindus and non-Muhammadans.

Dr. H. W. B. MORENO: Anglo-Indians.

Mr. S. C. MUKERJI: If you like you had better have a much larger element of Indian Christians in the Calcutta Police (laughter).

If you like—if you really want to bring a detached mind to bear upon this communal aspect, it is much better that you should have a larger element of Indian Christians—"Hindu" Christians and "Muhammadan" Christians.

Babu DEBI PROSAD KHAITAN: Sir, what is the meaning of "Muhammadan Christians"?

Mr. PRESIDENT: I suppose, Christians who have been converted from Muhammadanism.

Mr. S. C. MUKERJI: But that is not the point. The real point why I object to the resolution is that this is not the time when this resolution should be taken into consideration. We must wait, and wait with patience, for a calmer atmosphere. When there will be more amity, a spirit of tolerance, a spirit of reconciliation, a spirit of trust—mutual trust between one community and another; that is the time when a resolution like this should be taken into consideration.

The Hon'ble Mr. L. BIRLEY: Sir, I feel that there is not very much left for me to say. Mr. Suhrawardy read his resolution and then divided it into three heads. He said there were administration, efficiency, and cost, and then under the head "Administration" he referred only to the communal aspect of the subject: On the subjects of efficiency and of cost he said nothing. Moreover, the three members whom he has proposed for appointment to the committee are absent. He then proceeded to deal with another resolution altogether. I take it, therefore, that this is not really a serious proposal that his resolution, item No. 3, should be carried. But as he did move this resolution about the committee, I should like to speak very briefly on that subject. A committee was appointed in 1921. That committee was sitting when the Retrenchment Committee was appointed and the result was that it was dissolved without submitting a report. The Retrenchment Committee made a number of definite proposals for economy in the Calcutta Police. Those proposals were fully examined by Government and it was found that it was not possible to accept most of them. There was, however, one proposal for taking a loan for police buildings in Calcutta and a great deal has been done to carry out that proposal. That proposal will result in a considerable saving in cost and in a very great improvement in the efficiency and comfort of the force.

With regard to the subject matter of the speeches I confess that in some cases I had doubts whether the speakers were supporting or opposing the motion. Mr. Suhrawardy in the first place asked us to consider the propriety of judicial punishments. That is a subject in

which I do not propose to enter. He also complained that Muhammadans were sent up in serious cases, and that Hindus were sent up for minor offences. Sir, I am not certain on what principle the charge of being in possession of stolen property is classed as a minor offence. I have the figures but will not repeat them all now. They will be given in answers to questions, but there are one or two points which I should like to explain. It is true that a larger number of Muhammadans were sent up for murder than Hindus. This is partly explained by the fact that 37 persons were sent up in one case of murder. On the other hand in cases under section 324, I.P.C., the number of Hindus largely exceeds that of Muhammadans. It is not the case, as is suggested, that the police when they are engaged in making arrests consider whether an accused is a Hindu or a Muhammadan, and I am surprised that Mr. Suhrawardy should have talked in the way in which he did. Mr. Suhrawardy further complained about the treatment in respect of shops looted. Now I have the figures here and they do not bear out what he says. A hundred shops of Hindus were looted as compared with 118 of Muhammadans. Ninety-seven Hindus were sent up for trial and 106 Muhammadans. That seems to be about as equal a division as is possible.

Then Mr. Suhrawardy has criticised the way in which the Security Act has been administered. I must point out to him that we never said that no one would be externed unless he lived in the area where the riots occurred. A case which he mentioned related to a man being externed after he had been found in possession of a knife. I do not know the particulars of that case, and he has not given the name, but this instance does not seem to strengthen his point.

Sir, the only real demand—the demand to which most reference has been made—is the demand for a larger number of Muhammadans in the Calcutta Police. Before I speak on that I should like to say that I repudiate entirely the attacks which have been made against the Hindu police. Mr. Armstrong's report has been published and there is much information in it. I have not heard any reference here to the case of a Hindu constable who was shot after rescuing Muhammadans. I think it would be better if more attention was paid to those officers who have done their very best for both sides irrespective of whether they were Hindus or Muhammadans. But I do recognise that if there were a larger number of Muhammadans in the Calcutta Police, both in the superior grades and in the ranks, then in times like these the Muhammadan community would have greater confidence in the Calcutta Police. That is an aspect of the question which Government cannot ignore. The higher ranks are filled by promotion and it is the settled principle of Government that promotion should be by merit and merit alone without any reference to communal considerations. That policy will be adhered to. The ranks in which the inequality can

be redressed are those of sub-inspectors and constables, provided that suitable Muhammadan candidates are available, and personally I do not see why suitable Muhammadan candidates should not be forthcoming. We intend to make every endeavour to obtain more Muhammadan sub-inspectors, and if those sub-inspectors do their work well they will have every chance of rising to the top, but they will have to succeed by their merits. As regards constables, the actual figures are 3,269 Hindus and 969 Muhammadans, so that the number of Muhammadans is not insignificant. But there is difficulty in recruiting suitable Muhammadans. Special attempts have been made to get suitable Muhammadans and a number of them has recently been obtained, but it is a fact that it is more difficult to get Muhammadans of good physique than it is to get Hindus.

Government considered at an early stage the question of holding an inquiry into the riots. They decided that this was not desirable. The first reason why Government thought that an enquiry was undesirable was that in the present state of communal feeling they were afraid that such an enquiry would lead to an increase of communal bitterness. I think the speeches which have been made this afternoon have shown very clearly that Government were right in this view.

The second reason was that it would involve serious risk of interfering with the discipline of the police force. Such an enquiry would necessarily involve examinations of a great many Police officers and it would be extremely difficult to conduct it in a way which would not be damaging to discipline. The last reason was that we felt that after the very full reports which we had received from the Commissioner of Police there was not very much left to enquire about. There are a few questions arising from Mr. Armstrong's report in which Government want fuller information but these are not suitable subject-matter for such an enquiry as has been proposed.

On these grounds Government oppose this resolution and I am not prepared to have an Inquiry Committee.

Mr. H. S. SUHRWARDY: I am really sorry to find from Mr. Guha that I am actuated by communal bias in moving this resolution. I for myself cannot understand why I should be accused of having communal bias when I am able to show that so many Muhammadan huts have been entered into and so many persons sent up for trial. If I had facts and figures before me—if I had statements before me which showed that Muhammadan officers had done something which was wrong I would certainly place them before the Government in the manner that I am doing about the Hindu officers now. When I pointed out that so many Muhammadans have been sent up for trial surely it cannot be that I would not be satisfied without a equal

number of Hindus being sent up. That is not my point at all. I am not by any means desirous that special efforts should be made for increasing the number of Hindu accused. The only reason why I pointed it out was that it was quite clear that, although so many occurrences had taken place throughout Barabazar and Jorabagan areas although looting of shops have taken place in Khangrapatti and Nimtolla for two days hardly any arrest was made and I say it was quite possible for the culprits to be arrested by police officers and it is therefore that I cannot understand the statement of Mr. Birley that he was satisfied that no blame rested with the Hindu Police officers. Mr. Birley does not belong to that community whose huts have been entered into by Hindu Police officers and whose properties have been stolen and whose men have been dragged out of their huts and were sent up. If he had belonged to that community, I do not think Mr. Birley would have made such a statement like that.

About this Committee of Inquiry I would certainly not limit its scope to the riots or the conduct of the Police. If Mr. Birley would remember I started by referring to the gambling dens the cocaine dens and the exactions of the River police. These were rife in Calcutta before the riots. I do not know whether they would recur again after the communal feelings have subsided. One good thing about these riots is that these have been done away with. But the officers are still there officers who help these dens to flourish. They are all there officers who used to have arrangements made for keeping up these dens are still there and if a Committee of Inquiry is called for and these matters are enquired into I think there will be a purging in the Calcutta Police Force of persons who are disgracing the Force by their actions. The Editor of the *Mussalman* newspaper has given the names and addresses of gambling dens and has even stated the sums of money that are being paid for these arrangements. Government could take action in this matter after making enquiries. My purpose for asking for a Committee is to show the inefficiency of the Police Force of Calcutta. I still hold that if the Police expect co-operation of the public and stand for law and order there should be confidence between the public and the Police Force and it is with that end in view that I suggest that an enquiry should be held.

Mr. Khaitan spoke of Mr. Hunt and asked me whether Mr. Hunt was moved by communal bias in sending up so many Muhammadan accused. So far as Mr. Hunt is concerned, I do not know what his duties are. The duties of Police officers cannot be ascertained by laymen. But what I do feel is that whoever is on the top—whether it is Mr. Hunt or Mr. Armstrong—they are powerless because the actual work is done by Sub-Inspectors and Inspectors. Enquiries are made by them, evidence is collected by them and even manufactured by them and Mr. Hunt cannot do anything but go by the evidence

placed before him. It is not possible that he can take the responsibility for the actions of his subordinate Police officers.

About the personnel of the committee Mr. Khaitan asked what special aptitude these three gentlemen and myself have for an enquiry into the Police question. As the Hon'ble Member pointed out a committee of enquiry was appointed in 1921 and in that committee, two, at any rate, namely, Rai Harendranath Chaudhuri and myself were members though Dr. Bidhan Chandra Roy and Dr. P. Banerjea were not there. It shows that it is not merely on account of communalism that I have asked for a committee of enquiry. I am quite prepared to place any one in the committee in order to show that I am not actuated by communalism. As a matter of fact I believe that if figures which I possess were placed before Hindu members they will see that differential treatment has been meted out to Muhammadans and that certainly a committee of enquiry is called for.

I have not the least doubt that Mr. Birley does not like to make an enquiry at this stage for fear of interference with the discipline of the Police Force. In the name of discipline may offences committed by the Police have been condoned by the Government.

The Hon'ble Mr. L. BIRLEY: I wish to deny that Government have condoned any fault which has been proved.

Mr. H. S. SUHRAWARDY: That may be so but it is certain that Government is not prepared to take action which justice demands. Can he explain the action of the Police after the Parsibagan incident when a constable was shot? We do not know who shot him but what happened after that? The whole of the Parsibagan bustee was entered into by Police officers.

The Hon'ble Mr. L. BIRLEY: Sir, he is speaking about a case which is now before the Court.

Mr. PRESIDENT: Mr. Suhrawardy the matter is *sub judice* and you should not refer to it.

Mr. H. S. SUHRAWARDY: This matter is not *sub judice*. I am talking about the entrance of the Police in the bustee and I wanted to show what happened after the constable was shot. I shall mention another case. A man was shot in the Central Avenue when he was sitting inside his shop with doors closed. His name is Abdul Rahman. What enquiry has been made into this. There are any number of such incidents If I had time I could mention many more but as it is I would only refer to the inefficiency of the Police. With regard to the reference made by the Hon'ble Member regarding the Police buildings and the loan raised for them I may say for myself that I have always been in favour of it. I have always believed that it meant efficiency.

The motion of Mr. H. S. Suhrawardy was then put and lost.

The following resolutions were, in the absence of the members, deemed to be withdrawn:—

Babu UMES CHANDRA CHATTERJEE: "This Council recommends to the Government that the running of all sorts of cycles and motor vehicles invented by foreign brain be prohibited in the province of Bengal."

Maulvi AFTAB HOSSAIN JOARDAR: "This Council recommends to the Government that the proper authorities be approached to undertake legislation to introduce standard weights throughout Bengal and to make the practice of taking excess (*dhalta*) over the standard weight a criminal offence."

The following motion failed:—

Babu AMULYA DHONE ADDY to move, by way of amendment, that in the motion of Maulvi Aftab Hossain Joardar, lines 4 and 5, all the words after the word "Bengal" be omitted.

The following resolutions were, in the absence of the members, deemed to be withdrawn:

Babu SUDARSAN CHAKRAVORTY: "This Council recommends to the Government that immediate steps be taken to fill up all newly-converted Bengal Educational Service posts (that have fallen vacant consequent on the retirement or death of their incumbents who were promoted from the Subordinate Educational Service or otherwise) by new recruits from among the qualified senior members of the Subordinate Educational Service."

Dr. MOHINI MOHAN DAS: "This Council recommends to the Government that the proper authorities be approached so that the Dacca Rural (Non-Muhammadan) Constituency may be reconstituted as follows:—

(*i*) one constituency, consisting of Sadar and Narayanganj subdivisions; and

(*ii*) the other constituency, consisting of Munshiganj and Manikganj subdivisions."

50 per cent. appointments to Mu[illegible]

Maulvi ABDUL QUADER: This resolution which I beg to move, runs thus: "This Council recommends to the Government that immediate steps be taken for the issue of a circular to give at least 50 per

cent. of Government posts to qualified Muhammadan candidates in all future appointments in all the Government departments in this Province."

(At this stage the Hon'ble the President left the Chamber and Mr. W. L. Travers took the Chair.)

This resolution has been before the Council for a year, *e.g.*, in the August and December sessions of 1925 and in the February and July sessions of 1926 and is the offshoot of a similar resolution which was brought in the January session of 1924 by Nawab Musharruf Hossain, Khan Bahadur. The fate of the Nawab Sahib's resolution is known to the members of this House as well as to the public and the cause which led to the failure of that resolution is so well known and fresh in the minds of the members that I need not repeat it. Suffice it to say that Deshabandhu Das with his followers including myself opposed it for reasons best known to him. It is known to us that Deshabandhu Das to gain the support of his Moslem followers in defeating the resolution assured them that he would afterwards himself bring forward a resolution advocating at least 50 per cent. of Government posts for suitable Muhammadan candidates and have it passed in Council in case Swaraj be not established within a reasonably short time. Thus assured his Muhammadans followers fully supported him; otherwise, the latter would have lost his popularity with the Hindu public of Bengal. Then the Ministry was defeated once, twice and thrice. A year passed away; but no Swaraj. Deshabandhu breathed his last amidst universal regret.

In this state of things there was no one to fulfil Mr. Das's promise to his Moslem followers about the bringing forward of any resolution relating to the increased appointments to qualified Muhammadans in Government services. The subject has been for many years before the Government and the Muhammadan public. The various rules of Government departments reserving one-third of appointments to qualified Muhammadans do no longer satisfy the Muhammadans of Bengal as Muhammadan graduates and under-graduates have been increasing by leaps and bounds during the last 15 years and they cannot find any employment in the various private services in the province and in the merchant offices of Calcutta. Moslem members of the Swaraj party were and are keen in the matter of increased employment of qualified Moslems in the public services as all other Moslem of Bengal belonging to other political parties and groups. The whole of Muhammadan Bengal is unanimous on the point and the Mussalmans have been agitating the question and ventilating their just grievances on the subject through the medium of Moslem newspapers especially the *Mussalman* of Calcutta and in public meetings and in addresses to the Viceroy and to the Governor of the province. So after the death of Mr. Das in June 1925 I first sent in notice of the resolution which

is now before the House exactly a year ago recommending 50 per cent. of Government posts to qualified Muhammadans. Shah Syed Emdadul Haq sent in an amendment advocating 55 per cent. But it was not taken up in the August session. So I again sent in the resolution for the December session and Maulvi Md. Nurul Huq Chaudhury sent in another resolution for the same session recommending 60 per cent. of appointments to Muhammadans in Government services. As a result of these various activities of the Bengal Muhammadans the Government of Bengal reconsidered the whole question and issued a *communiqué*, dated the 21st December, 1925, relating to future Muhammadan appointments in the Bengal Provincial Civil (Executive) Service, Junior Civil Service, Bengal Provincial Excise Service and Provincial Police Service reserving the right to appoint 45 Muhammadans to every hundred of such appointments to those services. The posts in these departments were mentioned in the *communiqué* as "administrative" posts as distinguished from "ministerial" ones. The principle underlying this change in the matter of appointments of Muhammadans was stated in the *communiqué* to be the good of the province as a whole and not the "population basis" upon which the Moslem public of Bengal were claiming increase of Government appointments for their co-religionists. In the *communiqué* it was further pointed out that the principle of Muhammadan appointment in ministerial services was not the same as in the case of administrative posts. Government stated that the principle underlying Muhammadan appointments in "ministerial" services was that there should not be a monopoly of non-Muhammadan officers in those services.

Now, Sir, let me examine the *communiqué* to see whether it will really benefit the Moslems to any appreciable extent. At the first sight the circular appears to be dazzling and encouraging; but viewing a little closely it does not go far. As was suggested in a supplementary question put by Maulvi A. K. Fazlul Huq to the reply of Government to the original question put by Babu Amulya Dhone Addy relating to rules of Muhammadan appointments in various Government services on the 17th February, 1926, these rules and *communiqués* relating to Muhammadan appointments are issued to put a stop to criticism and are honoured more in the breach than in the observance. For, if the Government thinks that for the good of the country as a whole there should be a sufficient number of qualified Muhammadans in the various services, why is this distinction made between "administrative" and "ministerial" posts? If it is in the interest of the whole province that more Muhammadan appointments up to 45 per cent. may be made in the four provincial services mentioned above, I fail to see how it will not benefit the whole country if more appointments be made in the Subordinate and the Ministerial Services. The words "ministerial" and "administrative" are used in an ambiguous

way. If "administrative" posts include the four provincial departments mentioned above, how will the other posts under Government, *viz.*, Police Sub-Inspectorships, Sub-Registrarships, School Sub-Inspectorships and Teacherships and Co-operative Sub-Inspectorships be classed? In these departments the Muhammadans of Bengal try to secure a large number of appointments. If they are not administrative posts, are they to be classed as "ministerial" ones? If not, then how are these departments to be classed and why is the *communiqué* silent in respect of Muhammadan appointments in these departments? Then the Muhammadans also try to find employment in a large number in the various ministerial services under Government and there is no indication that Government intends to increase the number of Muhammadan employés in these services. So, the *communiqué* does very little to give more employment to qualified Muhammadans as the number of annual appointments in the four provincial services is small and the benefit that will ultimately reach the qualified Muhammadans will not be very great.

Sir, there is one thing mentioned in the *communiqué* that various other services under Government were being carefully examined to see how far Muhammadans could be employed in more numbers and as the matter was a complicated one it will take some time for Government to come to a decision in respect of those services. In order to further test the sincerity of Government in this matter, I sent in the resolution under discussion for the third time in the February session; and still doubting whether it would be taken up in that session, I sent in a question asking Government to give a detailed account of the final decisions of the Bengal Government on the subject of the increase of percentage of future appointments of qualified Moslems in every department of Government (whether in the provincial and subordinate services or in the ministerial services in this province) not mentioned in the *communiqué*, dated the 21st December, 1925. Government replied to my said question on the 16th February nearly two months after the issue of the December *communiqué* that it was not in a position at that time to give any information beyond that contained in the *communiqué* referred to. I put a supplementary question to Government to state the time by which it would be in a position to give the necessary information. Unfortunately, the reply was that Government was unable to add to the answer already given. Then on the 17th February last in reply to the question put by Babu Amulya Dhone Addy Government was pleased to lay on the table rules of Muhammadan appointments in Government services in some departments but not in others. One new thing I obtained by reading the rules that Police Sub-Inspectors are to be taken according to the proportion of Hindu and Moslem population of a district. To that reply I put several supplementary questions. I could not make Government agree

to the publishing of rules of other services not mentioned in the reply to the original question. Then in reply to series of my supplementary questions relating to increased appointments of Muhammadans in ministerial services Government replied after great hesitation that the matter was under consideration. Then on that very day I personally saw the Hon'ble Member in charge of the Appointment Department and asked him what Government would do in the matter of Muhammadan appointments in the Registration and Education Departments. He said that in the Registration Department Muhammadan employees had already exceeded 45 per cent. of total appointments and that as for the Education Department in respect of the appointments of teachers and School Sub-Inspectors figures were being taken, and in any case the Muhammadans could hope to get a minimum of 60 per cent. of these posts in the Education Department. Then I further asked him about the ministerial services and he told me that the matter was still under the consideration of Government. In the end, I was not a bit wiser by the interview and I was left completely in the dark as to the policy of the Government, in respect of these departments in the matter of Muhammadan appointments and all these questions and supplementary questions in the February session were of no avail to me to prove the depth of the sincerity of the intention of Government to give more employment to Muhammadan graduates and under-graduates in Bengal who are lying idle in all parts of the province. These are the various reasons which have led me to bring forward the resolution under discussion for the fourth time in the present session six months after the issue of the vague and ambiguous *communiqué*, dated the 21st December, 1925. Other members, *viz.*, Maulvi Nurul Huq Chaudhury, Mr. Abdul Latif Biswas and Shah Syed Emdadul Haq have sent in resolutions and amendments for this July session all claiming for increase of Moslem appointments in the Government services.

Now, Sir, I appeal to all sections of this House to support my resolution which is the most reasonable one and acceptance of my resolution by this House means concession to the just and minimum demands of the Mussalmans of Bengal in the matter of increased appointments in Government services. I do not wish to impair the efficiency of services and so I press for appointment of more qualified Muhammadans. The same sort of qualification should be prescribed for both Muhammadan and non-Muhammadan candidates. But I do not like that non-Muhammadan candidates of equal merit or of less merit may be taken (as are now done in some cases at least) in preference to qualified Muhammadan candidates simply on account of the fact that those non-Muhammadan candidates are strongly backed in many ways. The Muhammadans are grateful to Government for the *communiqué*, dated the 21st December, 1925, but I respectfully beg to

submit that the number of Muhammadans who will derive benefit will be very few. So I urge upon Government to clearly and definitely state in this Council what the attitude of Government is in respect of the subordinate services in the following departments, *viz.*:—Registration Department especially Sub-Registrarships, Education Department especially Sub-Inspectorships of Schools and School Teacherships. Excise Department especially Excise Inspectorships and Sub-Inspectorships and Co-operative Department especially Co-operative Inspectorships. Further I specially urge upon Government to state clearly whether it intends to increase to at least 50 per cent. the number of appointments in the various ministerial departments of the province, whether in the Secretariat or in the offices of the District Officers. Furthermore, I strongly appeal to Government to apply the same principle to all these subordinate and ministerial services for the purpose of increasing Moslem employees, *viz.*, the good of the province as a whole, if not "the population basis" which Government does not like. It may be asked, why do I ask increased appointments? The reply is plainly this—that the Muhammadans form a very important part of the population of this province and that they are now able to give every year to Government for appointment in these services the same sort of qualified candidates in a larger number than before as that offered by non-Muhammadan communities and that there is no valid reason why they should be refused increased appointments. One thing I may say in passing. Very recently in the latter part of June last I saw new appointments in respect of the Bengal Junior Civil Service in the *Calcutta Gazette* and out of the total number of 30 appointments only 4 were given to Muhammadans. Is this the way in which Government hopes to make up the total number of Muhammadan appointments to one-third or to 45 per cent.? Was there any dearth of suitable Moslem candidates?

I now appeal to the European section of this House who so ably and generously supported Nawab Musharruf Hossain's ill-fated resolution regarding Moslem appointment in March, 1924 and who all along sympathise with just Muhammadan grievances when put in a proper spirit. So I request them to help me in the passing of this resolution which is more reasonable and upon which Government has already taken some action.

Lastly, Sir, I appeal to the Hindu members of this House. My Hindu friends always affirm with emphasis that they are really nationalists trying for India's salvation in the right way. But do not my Hindu brethren realise that true Indian nationhood depends upon the federation of the two principal communities of India? If they do so and if they are convinced the Hindu-Moslem *entente* is most essential for developing Indian nationhood, then do I beseech them to help the Moslems of Bengal in the betterment of their condition by ungrudgingly allowing competent and educated Moslems to

find more employment in Government services in future. Surely, the Government service exercises a tremendous influence in the country and there is no gainsaying the fact. My Hindu friends will banish from their minds the idea of merging the Muhammadans in the onward course of the political progress of the country. We know that many of the Hindus have preconceived notions of the so-called mental inferiority of Moslems (which are not at all facts) and have strong attractions for several catch-phrases which are of recent and foreign origin, *e.g.*, we are Indian first and Hindus and Moslems afterwards. In fact, these catch-phrases do not find congenial soil in Indian political field to grow. Politics in India must develop according to the needs and requirements of the various communities and interests to be found in India. The two great communities of India must meet each other half way on equal terms in every respect before the true Swaraj is attained. Till then, we cannot dispense with the British character of the administration and the foreign commercial interests altogether.

Finally, Sir, I appeal to the House once for all to give wholehearted support to this my resolution which I have brought again and again before the Council for these twelve months with the best of motives for the proper uplift of my community by taking their due and legitimate share in the administration of Government in this province. With these words I commend the resolution for the acceptance of this House.

SHAH SYED EMDADUL HAQ moved by way of amendment that in the motion of Maulvi Abdul Quader, line 3, for the figure "50" the figure "80" be substituted; and the following be added at the end, namely:—"until the percentage of Muhammadans is raised to 55".

Mr. A. C. BANERJEE: May I ask if a member of the House can change his tongue as he likes? Can he speak one day in Bengali, one day in Urdu, one day in Persian and so on?

The CHAIRMAN (Mr. W. L. Travers): All I can say is that this has happened before in this House and the President has allowed it.

SHAH SYED EMDADUL HAQ then spoke in Urdu. The English translation of which is as follows:—

"My resolution regarding the appointment of Muhammadans in Government services having been disallowed, I gave notice of this amendment to the resolution of Maulvi Abdul Quader. I shall speak in Urdu in order to attract more attention of the Hon'ble Member in charge as well as that of the officials.

Sir, 20 or 25 years ago there were very few educated Muhammadans in this province. At that time Government's order for the

appointment of Muhammadans as much as 33 per cent. was no doubt a favour to the Muhammadans, but that is not the case now. Circumstances have changed greatly. At present it is imperative that Government should take steps in accordance with my proposed amendments. True, the proportion of educated Hindus is greater than that of Muhammadans, but it cannot be denied that there is ample room for the appointment of more Muhammadans almost in all departments. As the educated Muhammadans cannot find any employment, the condition of the villages are growing from bad to worse day by day. For, most of these educated persons are sons of the village peasants or of the gentlemen of straitened circumstances, who in educating their children have to run into debts. But when after so much struggle their sons cannot find any employment, all their hopes are blighted and in despair they no longer educate their children. Hence Moslem education is getting a set back.

Now-a-days many Swarajists advance this argument: what good would it be by fighting over these few posts in a vast population of so many crores. But we find that when a person gets employment, through him many other persons are able to secure services, get education and can prevent oppression being committed on their own community. In many cases, our life and death depend on these services. Are not the oppressions committed on the Muhammadans by the Hindu police in the Calcutta riots sufficient to justify this? The riots took place between both communities and both sides were killed and wounded, but how many cases have been instituted against the Hindus and how many against the Muhammadans? How many Hindus and how many Muhammadans have been convicted? All these speak for themselves. Even the same thing has been echoed by His Excellency in London and he has thought it not altogether improbable that the oppression was perpetrated on the Muhammadans owing to the preponderance of Hindu constabulary and admitted that the question of services was mainly responsible for the brewing of communal trouble.

But it is a matter of great regret that in spite of all this, Government blink away at our legitimate claims on the plea that suitable Muhammadan candidates are not available for the services. In every district of Bengal many educated and intelligent youths fit for any services, are sitting idle at their homes for want of employment. I being President of the East Bengal Krisak Samiti and having been invited in many meetings, etc., have got an opportunity to know and indeed I have a list in my possession, that there are many deserving candidates among the Muhammadans. So we cannot understand how and on what basis Government can say that they do not get suitable candidates among the Muhammadans? Almost all the departments have been monopolised by the Hindus who hold responsible positions

there. Consequently, even if the suitable Muhammadan candidates be forthcoming still doors are closed to them there.

We do not request the Government that Muhammadans should be employed even in departments where they are unfit, and educated and deserving Muhammadan candidates cannot be found. It cannot be denied however, that there is want of suitable Muhammadan candidates in Medical and some other services, but that is due to the fact that a sufficient number of Muhammadans cannot get admission in Medical schools and colleges as they are manned by the non-Moslems. In the ministerial posts and in other similar posts for which many suitable Muhammadan candidates are available, even there they cannot get any employment as none of their co-religionists hold any high position. Hence we urge that on the basis of population of this province, 55 per cent. of Muhammadans be appointed in all such departments where the above number of qualified Muhammadans are available. In order to translate it into action, only Muhammadans should now be appointed almost in all departments, otherwise the above percentage can never be arrived at. But so long as the above percentage is not reached I propose that 80 per cent. of Muhammadans be appointed in all services. At this some of my Moslem friends have insinuated that let all the posts be given to the Muhammadans. But I am not speaking anything new—I voice what the far-sighted and sober Hindus had voiced in the Bengal Pact. The Hindus are far more advanced than the Muhammadans who are still in the background. The Hindus occupy an advantageous position as regards power, wealth, etc., over the Muhammadans. So to make them equal to the Hindus, it would not be unjust even if all the services go to the Muhammadans for some time.

Government by their *communiqué* that henceforth 45 per cent. of Muhammadans should be appointed in the place of 33 per cent. have not helped the Muhammadans in any way, rather have done harm to their cause. For the last three years, 50 per cent. of Muhammadans have been employed in subordinate services. Now by the above *communiqué* the Government have created difficulties in that respect. For, in the above services 35 per cent. of the posts are filled up by promotion and 65 per cent. by recruitment from outside By going through the records of these departments we find very few Muhammadans have been rewarded by promotion. The reason is that the Muhammadans do not get such high emoluments as the Divisional Commissioner, the Member, Board of Revenue, etc. In the circumstances, recruitment of 45 per cent. out of the remaining 65 per cent. services, really means recruitment of less than 29 per cent. So the above *communiqué* has not bettered their lot in the least. The remedy is the appointment of large number of Muhammadans in responsible posts. We urge Government to amend the *communiqué* when in

reality it cannot do anything good to the Muhammadans. Whether or not Government take action on my amendments, in other departments they should take action and appoint large number of Muhammadans at least in the police and in the ministerial posts for which there are many deserving Muhammadan candidates."

[At this stage the Hon'ble the President returned to the Chair.]

Mr. A. C. BANERJEE: I am sorry that I shall have to oppose both the motions not because I think that the Muhammadans should not get more appointments but because I feel that any such understanding, any such statutory provision or any other provision in the shape of a pact or similar other things is conducive to an accentuation of communal feeling. The Muhammadans on the one hand, will then think that their interests are different from those of the Hindus and must therefore be separately provided for by legislation or otherwise, and the Hindus will think similarly regarding their own interests. That is not conducive to a proper sense of nationality, and Swaraj can never be obtained if this communal feeling is permitted to grow and grow in volume by resolutions such as this which can aptly be described as silly, and shortsighted. Therefore I am opposed to this resolution. I think it will do a deal of mischief, as the Lucknow pact did a lot of mischief, as the separate electorate under the Government of India Act of Mr. Montagu has done a lot of mischief and also my friend the late Mr. Das's pact did a lot of mischief and aggravated the communal feeling. If we want to work out the political salvation of the country we must learn to think that our interests are common, we must think nationally and not communally. You want because you happen to be Muhammadans so many appointments and you urge that because you are Muhammadans your interests are different and must be so as the Hindus and Muhammadans do not intermarry and do not interdine with each other. Well there are various castes among the Hindus such as Brahmins, Kayasthas and other castes, who do not intermarry and interdine with one another; do they ever say that their interests are different? Then why do you say your interests are different? If there is famine, or additional or heavy taxation in the country the Hindus and Muhammadans will suffer alike. Is the flame of patriotism so thoroughly extinct in your breast that you cannot see eye to eye with the Hindus and with the rest of the world and remember that after all the country belongs equally to the Hindus and Muhammadans, that we are all children of the same soil, that our interests are the same and that we shall have to work out our salvation—political and otherwise—jointly? It is a mistaken policy for our Muhammadan friends to think that they will further their own interests by asking for separate provisions with regard to everything on a communal basis. It is a great mistake if they forget that by doing

this while on the one hand they will be emphasising and perpetrating the communal differences in the country and on the other hand they will be strengthening the hands of the foreign bureaucracy and thus setting the hands of the clock of progress back.

Apart from all questions of principle let us now come to the question of administration in respect of which these appointments are asked. The administration of the country has got to be carried on efficiently. You cannot, simply because you happen to be in a majority, claim a larger number of appointments in any administration unless you have a sufficient number of competent men. You say that the Government services are overriden by Hindus and the Muhammadans have little chance of a look-in. What about mercantile offices? They are run on business lines there the merchants employ the most efficient men, and will not look to the men's nationality or creed. Even if they do at times look to a man's nationality they certainly never look to his creed; they will choose the most efficient men. Why do not the European merchants of Calcutta select their men from among the Muhammadans? Because there are not many efficient men to be found among them, because they want the most efficient men available to employ. You are asking for a provision of percentage of appointments simply because it is Government service, but take any independent profession. There is the law open to you. How is it that not one of you up to date has been able to rise to anything like a "position" in the profession? There is the medical profession. Why do you not call in a medical man who is a Muhammadan, but would ordinarily call in a Hindu medical practitioner? Simply because you think that the Hindu is more efficient. In engaging barristers and pleaders why do you go to the Hindus and not to the Muhammadans. . . . .

Maulvi ABDUL QUADER: On a point of order, Sir, the question before the House is not why the Muhammadans engage Hindu barristers and Hindu medical practitioners.

Mr. PRESIDENT: I think that Mr. Banerjee is discussing the efficiency of the services.

Mr. A. C. BANERJEE: I know why my hon'ble friend does not like this observation. Why does the bulk of the Muhammadan litigants still go to the Hindu and not to the Muhammadan lawyers? Because they are hardly any competent Muhammadan lawyers? Why do the bulk of the Muhammadan patients go to Hindu Medical practitioners? Simply because the Hindu doctors know their business and the majority of the Muhammadans doctors do not.

Maulvi ABDUL QUADER: You cannot question this.

Mr. A. C. BANERJEE: You always say "give us more appointments", but Government have got to look to the efficiency of the administration. You come as beggars; can't you come straight on your merits?

Maulvi ABDUL QUADER: Question: We do not come as beggars.

Mr. A. C. BANERJEE: I suppose then you would like to come as masters. You are very much mistaken if you think that you can do so. Improve your intellectual status and for the mere asking you will get the appointments. As for myself I would give 80 per cent., aye, cent. per cent. of the appointments to the Muhammadans and dismiss all the Hindus from the service of Government to-day and appoint Muhammadans in their places but they must be efficient. There must be a certain amount of efficiency which should be demanded from every man asking for employment. These things are getting to be sickening. They are thinking of their own petty interests only which do not affect the Muhammadans as a community but will benefit only a few of them who are out to exploit the Government in the name of their community for purposes of self-aggrandisement. We should therefore discourage all these petty motions and the less there is of communalism among us the better it is for the country and for all concerned.

Maulvi KADER BAKSH: Sir, I have not been able to follow the arguments adduced by my friend Mr. A. C. Banerjee. He has been more vocal than reasonable. He said that litigants do not go to Muhammadan barristers but to Hindu barristers because the former are not efficient. Is it an argument for the Muhammadans not getting their proper share of appointments under Government in the province? The resolution says that only qualified Muhammadans should get 50 per cent. of all Government posts and in his speech the mover of the resolution emphasised on this point. I find that my friend, Mr. A. C. Banerjee, has totally forgotten the word "qualified"—either he is short of hearing or he did not care to hear what was said by the mover. Now, Sir, there is another thing which my honourable friend forgets and that is the standard of qualification. Government judges the suitability of candidates according to a certain standard and gives appointments to such as come up to that standard. I can tell him that at the beginning of British rule in this country Government did not get brilliant graduates for the different appointments at their disposal. They had to be satisfied with matriculates and undergraduates and though they were inefficient some of them rose to eminence because, Sir, these persons were given scope to prove their worth. If the Muhammadans are denied the right to make themselves efficient by entering Government service, how can Mr. A. C. Banerjee at the same time say that they are inefficient? They must be given the opportunity to show their merit. I can tell you that the situation of the country

is quite different from what it was 20 or 25 years ago from the Muhammadan point of view. At that time it was thought proper that 33 per cent. of all Government appointments should go to Muhammadans. But after 25 years I can dare say that the Muhammadans have acquired qualifications by leaps and bounds and lots of graduates can be found amongst Muhammadans who can discharge their duties in any department of Government as well as a Hindu. As a whole the Hindus may be more educated than the Muhammadans, but taking individually no Muhammadan is less qualified than a Hindu. There is one aspect of the question: it is this, that of late my Hindu friends have begun to denounce the Pact because they are afraid that the Muhammadans will take away their loaves and fishes. It is easy to understand why a man is averse to part with his power, as my learned friend knows very well that the bureaucratic government does not like to give us more power than what we have got at present. Now the Hindus being in a better position and having captured all the departments of Government can very well say "we are not going to give you anything as you are not efficient." My learned friend, Mr. Banerjee, says that we should give up all these communal ideas. If my friend wants to keep the Muhammadan community down-trodden he will certainly ask us to give up the communal spirit. I would again draw the attention of my friend, Mr. Banerjee, to the fact that the demand on the part of Muhammadans is not unreasonable but only just and proper. It is the duty of the Hindu community to raise the Muhammadan community up by giving them a proper share in the administration of the country. He must also bear in mind that at the present moment nobody likes to be a slave to anybody else and every one demands equal rights. I do not proceed on the basis of population but on the basis of efficiency I can guarantee that from my Division—the Rajshahi Division—at least we can supply an adequate number of Muhammadan candidates for every department of Government—whether police, executive or judicial department. My district has got several dozens of Muhammadan graduates who are all efficient and in no way less qualified than a Hindu. Now, Sir, I would draw his attention to the fact that there are several Muhammadan magistrates in the service of Government none of whom has ever been declared inefficient, and in fact of that how can my friend, Mr. Banerjee, say that Muhammadans are inefficient. It is true the Muhammadans did not take to education in time and as a result they are suffering now, and that is why they have not got sufficient men in the various professions. And it is very unfair to condemn the Muhammadans without giving them any scope or opportunity. I may mention the case of Dr. Jahiruddin who was as efficient as any Hindu medical practitioner of Calcutta. The officials of Government who are mainly Hindus have sufficient money to educate their children, whereas the Muhammadans are mostly poor and therefore cannot afford to educate their children: hence the disparity

between the two communities in respect of education. Further, the Hindus naturally help men of their own community and they are reluctant to help the Muhammadans. We live in the interior amicably with the Hindus and there is a brotherly feeling between the two communities. We are not at all possessed of communal jealousies and we have full confidence in our Hindu brothers. And my friend Maulvi Abdul Quader who also hails from the mufassal has brought forward this resolution in the hope that he will get support from his Hindu friends. With these words, Sir, I beg to support this resolution.

Maulvi ABDUL CAFUR: Sir, I had no mind to speak on this motion, but after hearing Mr. A. C. Banerjee I think that I should speak a word or two in support of my friend's resolution. Now, Sir, what irritates my sense most is the humiliating position to which he relegates the Muhammadans as a class, for he says that the Muhammadans are inefficient. But where are his proofs? I would say that Muhammadans in Government service have done full justice to the respective departments to which they have been appointed. What is really at the back of Mr. Banerjee's mind is that he does not like this question to be ushered in because he does not wish the Hindus to give up the position which they have attained. My submission to the House is this: that Mr. Banerjee's spirit was most virulent and his remarks will go to show how far the Muhammadans have been humiliated by the Hindus. He says that there are no good Muhammadan legal practitioners and that the Muhammadan litigants go to Hindu lawyers. The Muhammadan litigants certainly do not go to Hindu lawyers through Muhammadan touts and what generally happens in the mufassal is this: when a Muhammadan has an occasion to go to court he generally takes a letter from some Hindu friend, to a Hindu pleader, and when the case goes up to an upper court the Hindu pleader who conducted it in the lower court sends up the papers of the case to another Hindu pleader of the upper court. This is the reason why the Muhammadan pleaders do not get opportunities of shining and showing their merits. Personally I do not admit that the Muhammadans are in any way less meritorious than the Hindus. As regards the medical profession, there are of course certain schools and colleges but these are mostly manned by Hindu officers who do not wish to take in Muhammadans, although for the show of so-called justice they are compelled to take some, and I say also that they do not always take the best men. Moreover, Sir, the medical education has become costly in many ways. As regards Muhammadan barristers not getting briefs of Muhammadan clients, I would only say that it is not the fault of the barristers themselves, but it is rather due to their being born as Muhammadans, because the attorneys are so very apathetic that they do not go to Muhammadans, although we know that the Muhammadans are better than the Hindus. As to clerical appointments in mercantile

offices, these offices are practically wholly manned by Hindu assistants, and the Hindu element predominates there to such an extent that in one case which I know when a Muhammadan was selected by a European officer of a certain firm the whole staff of that office went so far as to declare openly that if the Muhammadan were taken in they would resign in a body.

We are poor. I do not blame my Hindu brethren for monopolising all appointments under Government. They get ample opportunities to do so. Sir, I am sure if the Muhammadans get as much opportunities they will also rise to the occasion and will be able to prove their abilities equally with Hindus. Sir the idea of getting Swaraj cannot be contemplated with the Hindu elements only. Sir, on the 7th of December Lala Lajpat Rai said something in his speech at the Hindu Mahasava at Bombay. That shows which way the wind blows.

Dr. H. W. B. MORENO: May I enquire whether my hon'ble friend is addressing the heterogenous elements of the crowd?

Maulvi ABDUL GAFUR: My friend wants to shelve the question. Sir, my appeal to the House is that our claims are quite reasonable, moderate and legitimate, and as such the House will support the motion.

Babu AMULYA DHONE ADDY: I oppose this resolution as well as the amendment which have been moved by my friends opposite. The last speaker has stated that the demand is a moderate one, but I beg to submit that it is rather an extraordinary one. Sir, I am strongly of opinion that the best of the candidates should be appointed by Government irrespective of caste, creed or colour, be they Hindus or Muhammadans, Europeans or Indians. We are to consider as to how to improve the administration of our country—how to improve efficiency thereby. And therefore we must bear in mind that the best of candidates are appointed. There should be fair-play and no favour. It has been suggested that 80 per cent. of appointments should be allotted to Muhammadans and I am afraid I have been unable to follow the line of my hon'ble friend's arguments as he has spoken in Urdu and not in Bengali. I am really sorry to find that Government appears to be a little favourably disposed towards the demand of my Muhammadan friends. Formerly they were given 33 per cent. but now I am astonished to find the percentage has already been increased to 45 per cent. Sir, it is doing injustice to Hindus. I have sad experience in the case of admission of students into the Calcutta Medical College and I am informed from a very reliable source that 25 per cent. of the students to be admitted has been reserved for Muhammadans, irrespective of academical qualifications.

Mr. PRESIDENT: Order, order, it is quite beside the point, Mr. Addy.

Babu AMULYA DHONE ADDY: Sir, I am dealing with the proportion under which admission is made in the Calcutta Medical College. However, Sir, I may be allowed to say that this policy has already done havoc in the Calcutta Corporation. Quite a number of Muhammadans have been appointed therein ignoring the claims of Hindus who are more qualified—ignoring the claims of officers who have great experience and who have worked in the Calcutta Corporation for a good many number of years. That is the reason why the municipal administration of Calcutta has been seriously affected—that is the reason why the Corporation of Calcutta has become less popular.

Sir, reference has been made to the Hindu-Muhammadan Pact—a Pact made by our esteemed friend, the late Mr. C. R. Das. But, Sir, it is a Pact which has not been confirmed by the Indian National Congress—nor has it been confirmed by the Provincial Conference at Krishnagar. It is a Pact which has been condemned by every right-thinking man of Bengal. Sir, appointments are made for Indian Civil Service as well as Bengal Civil Service by competitive examinations. And that is the reason as to why we get the very best of candidates—that is the reason why the administration of the Indian Civil Service is an admirable one. Sir, in the interest of good administration of the country, the very best of the candidates should be appointed and only by competitive test.

The Hon'ble Mr. L. BIRLEY: During the past few years a new catch-word has been added to the political vocabulary of Bengal—"loaves and fishes". It has arisen from the increasing economic pressure on the middle classes. In the *communiqué* which was issued in December, 1925, Government attempted to dispel the idea that in the distribution of appointments in the public services the main consideration for Government to look to was the provision of careers for one or other element of the population. Government emphasised their view that the most important element to which they have to look in this problem is the good of the population of Bengal as a whole. I am sorry that the Muhammadan members of this Council have not accepted that principle and have adhered to "loaves and fishes". There are two very distinct aspects of this problem, and it is important that the distinction should be realised. I come across both of them very often. There is a general shortage of employment for the middle classes, and with the recent advance in Muhammadan education this has begun to be felt by Muhammadans as it is felt by Hindus. I do not think that it is felt yet to a very great extent by Muhammadan graduates, because it is not uncommon for one who has secured a good post to leave it in order to get a better. But it is felt more and more among matriculates. It is this I think which accounts for the fact that Maulvi Abdul Quader has laid special stress on his demand for an increased percentage for Muhammadans in ministerial appointments.

His reason is that the posts are more numerous and a larger number of Muhammadan young men could find employment. The desire is a very natural one but whether the demand is reasonable is a question to which I shall come later.

This aspect of the problem represents the point of view of those who want employment and of their parents. It is the "loaves and fishes" aspect.

The second aspect is that of the good of the general population, and it is their interests which Government consider themselves to be under an obligation to consult, an obligation far stronger than that which requires them to consider the desire for employment. As far as "loaves and fishes" go, each candidate is an inhabitant of Bengal, and as such has *prima facie* as good a claim as any other inhabitant, apart from the question whether he is a Hindu or a Muhammadan. Where this is the case the obvious course is to take the best candidate irrespective of his community, unless there is some reason which affects the public and not the candidates, which makes it right to depart from this principle.

As I shall explain later on we think that there is a distinct advantage for the Muhammadan element in the population in having a fair proportion of Muhammadan officers in administrative posts.

I have the strongest sympathy with what I believe to be the legitimate ground for a claim for some degree of preference in this question but my view is that the line of argument adopted in supporting these demands is entirely mistaken, and fails altogether to justify their demand which is made. If we are going to talk about "loaves and fishes" then surely it follows that we must count up the graduates and matriculates and distribute appointments to Hindus and Muhammadans in proportion to the numbers of Hindu and Muhammadan graduates and matriculates, and if we do that it will be found that the results will be much less satisfactory to Muhammadan than those of the existing system.

I therefore strongly advise Muhammadan members to drop "loaves and fishes" altogether and look at the problem from the point of view of the good of the population as a whole.

If they will do this they will realise, as Government have done, that the question at issue is a complicated one and that no system of adopting a fixed percentage for all appointments of all kinds is in any way practicable. We made a distinction in that *communiqué* between administrative posts and ministerial posts. There is a very great distinction between these two. To the general public it matters little whether a ministerial officer is a Hindu or a Muhammadan or what he is provided he does his work efficiently.

On the other hand quite apart from suggesting that a Hindu or Muhammadan will unduly favour the interests of his own community, there are in the system of Government which prevails in this country many opportunities for an officer to help the members of his part of the country and to organise them to make efforts in their own interests, and this is often seen in the case of educational institutions. There is an advantage in a country in which the majority of the population is composed of Muhammadans that there should be a substantial number of Muhammadan officers. One of the examples in which this applies is the case of officers engaged in co-operative work. The officer who is engaged on work among co-operative societies will be largely affected in his work by his sympathy for the people with whom he is engaged, and in a country in which the majority of the population is Muhammadan, I think it is of great value that there should be a substantial number of Muhammadan officers engaged in co-operative work. On these lines Government have adopted certain principles—which are that there shall be a sufficient proportion of Muhammadans in certain of the higher services to ensure that the general interests of the community shall not suffer (this refers to administrative posts)—that in the case of subordinate appointments a sufficient share shall be allotted to Muhammadans to encourage the education of that community; and that in such cases there shall be a sufficient share to prevent the monopoly of public employment by any one class or community; and lastly Government have reasserted the principle that promotion shall be by merit alone without any reference to communal interests. Now, encouragement of education does not mean taking away the incentive which the desire for appointments in Government service undoubtedly provides. It means reserving a proportion of the posts so that the best shall be certain of appointments. If we were to make a rigid division and say that a certain number of posts will be reserved for Hindus and a certain number for Muhammadans, all incentive for Muhammadans to improve the standard of their educational institutions would be taken away.

Maulvi Abdul Quader reminds us that he tabled this resolution a year ago. I may tell him that during that year Government have been considering this question and have considered it thoroughly. He will find that while he has been trying to bring forward this resolution, Government have gone a great way to carry out what he has asked us to do. When we have provided that Government reserve the right to appoint a proportion of 45 per cent. of Muhammadans to certain services, I ask him to note that this will not necessarily produce a service of 45 per cent. of Muhammadans where some of the appointments are filled by promotion from the lower services—promotion in such cases takes no account of communal claims, but only of the qualifications of the officers.

In the matter of ministerial posts, we have followed the principle which I have mentioned, and here we have not held that it is a matter of importance to the public whether a ministerial officer is a Hindu or a Muhammadan. Therefore, except in the Burdwan Division where we have slightly raised the percentages to be reserved, we have made no alteration, except to this extent, that we have drawn attention to the fact that the 33⅓ per cent. of the appointments to be given to Muhammadans is a minimum and not a maximum. There is nothing to prevent Muhammadans from getting any number of posts provided that the Muhammadans are the best. All that we provide for is that 33⅓ per cent. of the posts should be given to Muhammadans who possess the qualifications which are prescribed; after that is done, the posts are open to Hindus or Muhammadans whichever possess the best qualifications.

Maulvi Abdul Quader has asked me particularly in regard to sub-registrars. The question of sub-registrars was recently considered by Government. The rules relating to appointments are somewhat complicated, and they are based on percentages in the several Commissioners' divisions. A small adjustment has been made on the proportion in one division and the result has been that the total for the province now comes to 46 per cent. in place of the 43 per cent. which has been the percentage for very many years past.

In the Education Department no decision has been arrived at.

He also asked about Excise Inspectors. Excise Inspectors are dealt with in the *communiqué* I have referred to. The result has been that the previous proportion of 33 per cent. direct appointments has been raised to 45 per cent. that is to say Government reserve the right to appoint 45 per cent. With regard to Excise Sub-Inspectorships, no decision has been arrived at.

No decision has been arrived at as regards co-operative inspectors. But I may mention that the post of inspector of co-operative societies is one of those in which I consider that it is in the interests of a Muhammadan population to have a substantial number of Muhammadan officers. I have no doubt that in regard to the appointments of co-operative inspectors Muhammadan claims will be favourably considered.

Maulvi Abdul Quader has also drawn attention to the fact that in the recent pronouncement of appointments to the Bengal Junior Civil Service, *i.e.*, Sub-Deputy Collectorships, there were 30 Hindus and only 4 Muhammadans appointed. The reason for that is that in the examination which was conducted last November the number of Muhammadan candidates who secured qualifying marks was very small. We have taken into one service or another every Muhammadan who came up to the minimum qualifying standard. We have done all that we could do for them in that respect. The rules have been

strictly followed, although they did not produce the result which the Muhammadans or the Government desired.

Mr. Banerjee has objected to figures, but surely he realises that Government must give precise instructions to their officers and cannot leave each officer to do as he pleases. The reservation of proportions is nothing new—it is very much older than the Bengal pact. We have during the past year gone a considerable way towards giving effect to the desire of Muhammadans and for the present we are not prepared to do anything more, nor do I think that it would be to the true interests of Muhammadans if we were to do more. There is no question that the desire for Government service has been one of the great incentives in recent years to the advance of Muhammadan education. If we were to do more, we should take away that incentive. Government are therefore unable to accept the resolution and I oppose it.

Maulvi ABDUL QUADER: I am surprised at the attitude of my Hindu colleagues. In my speech I have never used the words "loaves and fishes." My speech was delivered all along in a spirit of toleration, and so my Hindu friends should not have objected to it.

I am sorry that Government are not more sympathetic especially in regard to ministerial service, but in view of the assurance given by the Hon'ble Member in charge I beg leave to withdraw the motion.

The motion of Maulvi Abdul Quader was then, by leave of the Council, withdrawn.

Adjournment.

The Council was then adjourned till 3-30 P.M. on Friday, 9th July, 1926, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Friday, the 9th July, 1926, at 3-30 P.M.

Present:

The Hon'ble the President (KUMAR SHIB SHEKHARESWAR RAY) in the Chair, the four Hon'ble Members of the Executive Council, and 59 nominated and elected members.

Unstarred Questions

(answers to which were laid on the table).

Number of persons dealt with under the Goondas Act and the Presidency Area (Emergency) Security Act.

12. Hadji Mr. A. K. ABU AHMAD KHAN CHUZNAVI: Will the Hon'ble Member in charge of the Political Department be pleased to state how many Hindus and Muhammadans, respectively, have been dealt with or are under detention under

(*i*) the Goondas Act, and

(*ii*) the Presidency Area (Emergency) Security Act

since 2nd April last?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. L. Birley): (*i*) 11 Hindus and 9 Muhammadans, up to 30th June, 1926

(*ii*) 117 Hindus and 95 Muhammadans, up to 30th June, 1926.

Privilege of co-option extended to municipalities.

13. Mr. P. N. GUHA: (*a*) With reference to the reply to clause (*ii*) of unstarred question No. 99 put by Maulvi Abdur Raschid Khan on the 15th March, 1926, will the Hon'ble Member in charge of the Department of Local Self-Government be pleased to state when this decision was arrived at?

(*b*) Was it arrived at by the Government as it is constituted now, or by the Government as it was constituted when the Ministers were in office?

MEMBER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur of Nadia): (*a*) and (*b*) Government arrived at this decision in September, 1924.

Physicians of the anti-malaria co-operative society dispensaries.

14. SHAH SYED EMDADUL HAQ: (*a*) Will the Hon'ble Member in charge of the Department of Local Self-Government be pleased to state whether any rule or circular has been made for the salary and the standard qualification of the physicians of the anti-malaria co-operative society dispensaries?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to lay on the table a copy of the rule or circular?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) Government have no control over these dispensaries and cannot frame any rules regarding the qualifications of doctors employed in them.

(*b*) This does not arise.

Water-supply in the rural areas.

15. SHAH SYED EMDADUL HAQ: (*a*) Will the Hon'ble Member in charge of the Department of Local Self-Government be pleased to state, year by year, for this year and last year whether any money was allotted in this presidency for water-supply in the rural areas?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state the amount of money allotted to the Chittagong Division and to each of the districts comprising that Division?

(*c*) What is the authority by whom this money should be spent?

(*d*) Is there any restriction to the effect that villages which are unable to make any contribution of their own should be deprived of the help of the Government in this matter of rural water-supply?

(*e*) If the answer to (*d*) is in the affirmative, are the Government considering the desirability of changing this rule and of making provision for the poorer villages?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) Rs. 2,50,000 was allotted last year for the improvement of water-supply in rural areas in Bengal and the same amount was distributed this year too.

(*b*) Rs. 20,000 was placed at the disposal of the Commissioner of the Chittagong Division both years. Of the last year's grant of

Rs. 20,000 the Chittagong District Board got Rs. 8,300, Tippera Rs. 6,700, and Noakhali Rs. 5,000. It is not yet known how the money for the current year has been distributed.

(*c*) and (*d*) The principles to be observed in allocating the grant are fully stated in Government order No. 105-9 T.P.H. of the 11th May, 1925, a copy of which is placed on the library table.

(*e*) No change is contemplated by Government. The member's special attention is called to paragraph 4 of the Government order.

Non-official Business.

Resolutions

(on matters of general public interest).

Appointment of a Committee to prepare a Bill for affording Government assistance to industries.

Babu DEBI PROSAD KHAITAN: May I have your permission, Sir, to move the resolution standing in the name of Dr. Pramathanath Banerjea as he is absent?

Mr. PRESIDENT: You have my special permission.

Babu DEBI PROSAD KHAITAN: In the absence of Dr. Pramathanath Banerjea in whose name the resolution stands, I beg to move that this Council recommends to the Government that a Committee consisting of three official and nine non-official members of the Bengal Legislative Council be appointed to prepare a Bill for affording Government assistance to industries in Bengal.

This matter has been engaging the attention of this House for the last 5 years, and for 5 years this House has been promised time after time by the Government that suitable legislation will be introduced in this House for affording assistance to industries in this province. Even in March last, in the course of the budget discussion when I moved for a cut of Re. 1 to the industries grant, Mr. G. S. Dutt who then replied on behalf of Government gave a clear undertaking that at an early date suitable legislation would be introduced dealing with this subject. He even stated that the Government had prepared a draft Bill, that it had been sent to the Board of Industries for their opinion, that the Board of Industries after having considered the matter had given their opinion on the subject and that the Government were then considering the same. If I remember aright, at that time Mr. Dutt, although he did not give an undertaking, led us to hope that in this session that draft Bill would see the light of day, but unfortunately for the people of this province Government have not yet thought fit to introduce that legislation. We are all aware how much unemployment

exists in Bengal; we are all aware how the middle classes have got to go from door to door begging for employment—not only searching for it—and still they can't get it; we are all aware that even when a post on Rs. 20 is advertised, applicants who have passed the M.A. or B.A. with honours apply for it and still cannot get it. The only way in which employment can be found for the middle classes of the province is by increasing industries. Here Bengal unfortunately stands on a different level from Bombay. Fortunately for this country, in Bombay there are arrangements whereby industries can be financed, and I hope my colleagues in this House will support me when I say that even big industries in Calcutta when they require finance cannot get it from the Imperial Bank but oftentimes go to Bombay to get the necessary finance. Bombay has debentures and similar other issues whereby industries may be financed properly, and if this is the condition in respect of big industries, when we think of the smaller ones, namely, cottage industries, in which a large number of people of this province could find employment, when we consider the question of cottage industries we are faced with the situation that propositions therefor are not acceptable to any bank in this country. The Imperial Bank finds that cottage industries are too small for their cognizance. Exchange banks, whose proper function is to finance the export and import trade of the country, do not see their way to helping the cottage industries and, therefore, cottage industries are left with only one resource, namely, indigenous bankers in order to find money for their development When we consider the question of indigenous bankers, we are face to face with the situation that in recent years it has been found that the high rate of interest which the banks are able to give them are more than what they can find, and they themselves find it more convenient and more profitable to lend money to banks instead of to industries, but Government cannot sit quiet by giving them that answer. It is the duty of Government to encourage industries which are so much needed for finding unemployment not only for the middle classes but also for the labouring classes who would find employment if means were found out and brought into being for the starting and development and for the success of the cottage industries in this province. It is a matter of great regret that the people of this province themselves do not yet so fully appreciate the need of cottage industries that they ought to do, but still the coal industry, the rice mill industry and the oil mill industry do find avocations for a large number of people of this province, and there is no reason whatsoever if suitable means and suitable financial assistance are given to them why a large number of cottage industries, examples of which we have seen in the survey of cottage industries held under the auspices of the Director of Industries in Bengal, should not grow and flourish in this province.

I have taken leave to move this resolution in order again to draw the attention of Government to this very important situation in this province, and I hope Government will now be more sympathetic and at an early date introduce a suitable Bill and follow the examples of Bihar, Madras and other provinces. It was once said that what Bengal thinks to-day the rest of India will think to-morrow, but we find that even when the rest of India have thought out a suitable way for financing private industries, Bengal does not yet come to think of it. I hope that this position which has arisen in Bengal will soon be remedied, and in the better financial position that the Government of Bengal now find themselves in, I hope no time will be lost in bringing forward a suitable measure to meet this emergency.

Babu AMULYA DHONE ADDY: I beg leave to withdraw the amendment standing in my name.

The following motion was then, by leave of the Council, withdrawn:—

"That in the motion of Dr. Pramathanath Banerjea, penultimate line, for the word 'Bill' the word 'Scheme' be substituted."

Dr. H. W. B. MORENO: Sir, I think the strongest words are necessary in support of the resolution moved by Mr. Khaitan. We hear a great deal in Bengal of unemployment. We are told that when there are posts advertised in the Government and even in mercantile offices, hundreds, nay, thousands, of candidates rush for these posts. Anybody who has deeply studied this problem will know that the real reason is that people find that they have no other place to go to but to seek for service. We have here from Bengal people sent out to Japan, and people sent out to the West to learn some of the important industries as carried on in those eastern and western countries. When they come back fully qualified, what is their position? They are forced to go through the ordinary channel of seeking employment somewhere, for the simple reason that the industries of Bengal are too few and are not large enough to accommodate them. We are simply toying with the whole question here in Bengal. We find the people starving and we sit and wait, although we know that there is opportunity for employment if Government will only come forward and finance and otherwise assist these industries as against fierce foreign competition. In Japan and other forward countries their Governments have come forward and assisted these industries and have made them stand on their own legs, with the result that these countries are now large, flourishing concerns, engaging thousands of labourers, witness the match industry in Japan and other such ones. Here in Bengal when we start an industry it meets the keen edge of competition from these outside countries who have bounties and

subsidies to help them, the result is that our industries are strangled at their very birth, and the people are left just as they were before. I hold then, Sir, that it is the solemn duty of Government to come forward and do something in this connection. Not long ago Government instituted a Committee to enquire into the question of unemployment in Bengal, and some very important and far-reaching suggestions were made to the Government. We do not want that these suggestions made to Government should be held up now as being under consideration by the Government. We are sick of these stereotyped replies. The people of Bengal demand that Government should come forward and put our industries on their feet, just as the Governments in other countries have come forward and put their industries on their feet. I say we demand this from the Government, and it is but right and proper that Government should accept a demand of this kind. I say, again, that words are not strong enough to support a resolution of this kind. We have in Calcutta the Bengal Home Industries Association I happen to be connected with it for the encouragement of cottage industries. Everybody knows that all larger industries begin as cottage industries, eventually developing into industries of larger dimensions. What do we find here in Bengal? We find that there is very little attempt on the part of Government to support these cottage industries of the people in order that they may grow and develop into the larger and more influential industries. Nothing has been done so far as the Bengal Home Industries Association is concerned. I may tell you that Government has thought fit to reduce its grant to this Association, and so we had to cut down things there; consequently all our activities have been cramped. We are trying our very best to encourage cottage industries among the people; now we find that our sinews of war have been shorn away, because, forsooth, Government thinks that we are not doing our duty, although we are straining our utmost to encourage these nascent industries. We, the people of Bengal, are trying our very best to push forward these industries, but what do we find? We find that there is no substantial support from Government. It is, therefore, our duty here to protest strongly against such action by the Government. Unemployment is rife in Bengal; what are we going to do with regard to that? Education—more education and still more education. That will not do. People want something very practical, something substantial. That can only be done when our industries are encouraged by Government—when they are looked after in the proper way. I feel sure that the Hon'ble Nawab Bahadur who has always done everything towards encouraging indigenous industries now that he is in office will do something towards the encouragement of these industries and thereby earn the lasting gratitude of the people of Bengal, who are now going from post to pillar and from pillar to post seeking for petty appointments. I think Mr. Khaitan is entitled to our grateful thanks for

putting forward this resolution which, I trust, will be supported by every one in the House and that Government will look a little more kindly towards the material prosperity of the people of this province. If you have a contented and prosperous people, you have a stabilised and permanent form of Government. This unrest due to unemployment is the thing which is eating into the very vitals of the people. Most of what we hear of sedition in Bengal, most of what is unpleasant to know, is due to this very fact that people have not the wherewithal to eat. That can only be remedied when our industries are encouraged and put right. I hope, then, that the resolution will be accepted by every member of the House, and that the Hon'ble Nawab Bahadur will reply in suitable terms, meeting in some way the demands of the people of Bengal.

MEMBER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES (the Hon'ble Nawab Bahadur Saiyid Nawab Ali Chaudhuri, Khan Bahadur): Sir, Government have every sympathy with the mover in his anxiety to undertake legislation to provide for Government assistance to industries in Bengal. In fact, the matter has been engaging the earnest attention of Government since the introduction of the Reforms. A Bill was framed as far back as 1923 and was being carefully scrutinised when the term of the first Ministry came to an end. The matter was taken up on the formation of the second Ministry, but as it was short-lived no headway could be made. A revised Bill has since been prepared by the Advisory Board of Industries in the light of the experience of the sister provinces of Bihar and Orissa and Madras in respect of the legislation already enacted in those provinces. This has been considered by Government and steps are being taken to redraft the Bill. As soon as this is done, we shall be in a position to present the Bill for the consideration of the Council. I hope that what I have stated will satisfy the mover that there is at this stage no scope for a Committee of the nature contemplated by him. His purpose will be served by the Select Committee which will be appointed by the Council to consider the Bill when it is introduced by Government.

In view of these considerations, I hope my friend Mr. Khaitan will withdraw the resolution.

Babu DEBI PROSAD KHAITAN: I have a few words to say by way of reply. I congratulate the Hon'ble the Nawab Sahib on the steps that he is taking in order to bring forward a Bill of this nature, but the way in which he has stated it I am sorry hardly satisfies us. As he has stated, the draft Bill was ready at the fag-end of 1923 and, perhaps, another draft will be ready at the fag-end of 1926. All that I want is that if Government should give us some sort of undertaking

that the Bill will be introduced and pushed through in the August session of this Council probably it will be very much gratified.

The motion of Babu Dehi Prosad Khaitan was then put and agreed to.

The following motion was, in the absence of the member, deemed to be withdrawn:—

Maulvi ASIMUDDIN AHAMAD: "This Council recommends to the Government that steps be taken to provide that the elective system of the Union Boards, Local Boards, District Boards and Municipalities should be by ballot, as in the case of the Bengal Legislative Council."

Establishment of Union Boards.

Mr. P. N. GUHA: Mr. President, I beg to move that this Council recommends to the Government that the establishment of any more Union Boards under the Bengal Village Self-Government Act, 1919 (Bengal Act V of 1919), be postponed till the law can be so amended as to be acceptable to the people of Bengal. Sir, during the Budget debate last time, I expressed my emphatic protest against the policy under which the Government have been establishing the Union Boards in this province. I know that I shall not be able to carry this resolution in view of Government opposition; I know that my friends who used to sit on the opposite side were in favour of my proposal, and how I wish that they would have made it a point to come upstairs after enjoying what I should say the best lunch of the season. They have gone, and I vainly look to the empty benches on the other side for support. At the very outset I want to assure the Government that I am not in any way against the principle of the reconstruction of villages or, for the matter of that, allowing the people of villages to know the rudimentary principles of self-government. It will be seen that my resolution intends only to stop the operation of Act V of 1919 till it is so amended as to be acceptable to the public. During my last Budget speech, I pointed out that the provisions of the Act were not made in accordance with the wishes of the people. The Hon'ble Mr. Birley, who was then the Chief Secretary to the Government, pointed out that the root of Swaraj was in the Village Self-Government Act. So far as the abstract principle is concerned, I wholly agree with him, but what I want to point out to him is that the rudimentary principle of Swaraj for Indians can only be laid down with the help of Indians and not by people who are here either by accident or by sufferance. The conditions of our villages are well known to us, and in going through the Act, page after page, clause after clause, I have been convinced that no consideration has been given to the actual condition of the villages of Bengal as they stand to-day.

Sir, recently we have had a thorough exposition of the Government views with regard to Union Boards in a speech delivered by His

Excellency the Governor at Nadia. The address presented by the Union Boards of Nadia pointed out numerous duties that have been placed on them by the Act. With your permission I will read a portion from the address that was presented to His Excellency the Governor of Bengal:

"We have been asked to collect village statistics, to prepare voters' lists for the legislatures, to look after boundary pillars, to compile jute and other crop forecasts, to take a census of men and cattle and even to count the number of date trees. We are to keep watch and ward and to depute our chaukidars for every police purpose, to be sent sometimes miles away from their respective Unions to watch railway lines at times for days, in sunshine, in storm or in winter's cold. We are doing all this ungrudgingly in the true interests of the country, but we feel a breakdown is almost inevitable at no distant date, unless our straitened and limited finances are relieved by grants from provincial revenues."

Sir, the fundamental objection which I have is that by imposing on Union Boards such obligation as contained in Act V, practically the cart has been placed before the horse. No ground was ever prepared. The villagers in Bengal were never given the least possible opportunity to train themselves in the art of self-government. Now they have been asked to do these onerous duties under the control of the District Magistrate. One of the greatest defects of this Act is that it has brought about what is known in Bengal as *daladali*. People who were living in absolute peace and harmony, have now become victims of *daladali* under the provisions of the Act. People who have neither the equipment nor the brain to realise the value of self-government have been given the power to do ample mischief. His Excellency the Governor has pointed out that under the Village Self-Government Act so many as 6,700 Union Boards have to be established, but out of that up to the year 1926 only 2,156 Union Boards have been constituted. Sir, this is a result which is not considered very hopeful even by His Excellency the Governor. His Excellency referred to the development of self-government in Ireland, but the fact should not be overlooked that those people had the benefit of free primary education. They had been enjoying the company of a free people for centuries, and we are asked to keep pace with their progress!

There are three distinct reasons which were taken up by His Excellency and replied to. If I were to criticise them, I am afraid you, Sir, would at once stop me with the remark that the action of the Governor could not be the subject of a debate under the rules. Therefore, I am not going to do that. The only thing that I want to submit is that the arguments advanced by His Excellency in support of the establishment of Union Boards were wholly wrong, and I will try to prove it at some other place. I am coming now to a particular point.

I believe the Hon'ble Mr. Birley, the Member in charge of Law and Order, is fully aware of the recent happenings in my native district. I pointedly mention the case of Laukati, where a Union Board was established against the desire of the people; the result was that the villagers refused to pay taxes, and a police force had to be sent there. I myself went to Sir Hugh Stephenson and told him all about it. My information is that the Board has since been abolished. In another place, namely, the village of Chandshi, the people definitely refused to have anything to do with the Union Board, yet the Government thrust it upon them. The contention of the Government is that they want to make the people learn the art of self-government. It is a very amusing situation. How can you make people learn something which is definitely distasteful to them? The entire Village Self-Government Act, as it was piloted through the Council by Sir S. P. (now Lord) Sinha, did not take the conditions prevailing in the villages of Bengal into any consideration. It has become a source of corruption, and all sorts of intrigues have found place in the villages, and I emphatically say that unless you stop it at once, the peace and contentment in the villager will be the things of the past in no time. You want the people to learn the art of self-government, but not according to their own ideas. Our misfortune is that the few members of the bureaucracy who happen to rule us, consider that any healing balm which they may prescribe is good enough to cure all our maladies The sort of self-government that Act V has introduced was never in vogue in India. What is the objection of the Government to stop the operations of the Act which we definitely abhor? So far the Government have not been able to establish more than 2,600 Boards, and I am sure at least 90 per cent. of them were thrust on the people against their wishes.

Mr. S. N. ROY: Question!

Mr. P. N. GUHA: My friend, Mr. S. N. Roy, questions my assertion. I may tell him that I know something about the administration that is being carried on in the districts. I have said at the outset that I am not against the village organisation or some sort of organisation which would improve the condition of the people, but all that I want to say is that this Act should be amended not from the Writers' Buildings or from the Legislative Department of the Government alone, but with the help and co-operation of the people who have lived in the villages, and so make it acceptable to the people. It has given the villagers nothing but some scope for intrigue. Sir, these are my contentions, and I only ask Government to postpone the operations of the Act and bring an amending Bill in the next session of the Council and proceed with the establishment of Union Boards when the same is passed. Why insist on having an Act which was proved to be

unpopular in Midnapore, Bakarganj and many other places? Why thrust on us a measure which we do not want? My request is a very modest one, and I only ask the Government to wait for such time as will enable us to have a breathing time.

Rai ABINASH CHANDRA BANERJEE Bahadur: I rise to oppose this motion. If the mover thinks that the establishment of Union Boards should be postponed till the Village Self-Government Act is amended in the way in which the people of the country want to see it amended, I am afraid this Council should also be postponed till the Government of India Act is remedied or amended as the people of India want it to be amended. Well, Sir, I am constrained to say that the mover has not made a perfect study of the Act and has not made a study of the Union Boards which have already been established and most of which have already done very useful work, not only in the reconstruction of the villages but also in the establishment of real Swaraj in the country. Sir, I have experience of not one Board but many Union Boards, and I have found them, almost all of them, to be as useful as circumstances permit them to be (Hear! hear!) If the mover thinks that these Union Boards will at the outset be perfectly successful, I am afraid he is making a wrong estimate of the Indian people. We ourselves, I admit it very frankly, have very conservative ideas, and we are always averse to changes whether they be for the better or worse. Whether the establishment of Union Boards has been for the better administration of the country will be clearly borne out by the Government and other reports on Union Boards which have already been published. Villages which had no water-supply, villages which had no roads for communication, villages which had no *pathshalas* for primary education, have all got these improvements and institutions now, and they are quite in the way of rising in the scale of civilization. If these are not the benefits derived from the Union Boards, then what else will be the benefits, I do not understand. No institution is perfect from the outset. Union Boards, for the matter of that, Local Boards or the District Boards or the Council or even Parliament, I dare say, are not perfect institutions. They have all been established by human agencies, and human agencies cannot make things perfect, and we have to wait patiently for getting all the institutions in perfect order. I am afraid my friend, Mr. Guha, will have to wait like others. I am entirely against the idea of postponing these Union Boards. Let the Government go on constructing as many Union Boards as they like, but I would only appeal to this Council and to the Government that the Village Self-Government Act should be amended properly as soon as possible.

Maulvi EKRAMUL HUQ: From what my friend, Mr. Guha, has said I am afraid he misjudged the whole point. When he pleaded

that Government should wait in introducing Union Boards in villages till the Village Self-Government Act is amended, I think he placed before the House an absolutely wrong proposition. As a well-wisher of the country he ought to have said: "Have union boards, but take the earliest opportunity to amend the Act so as to make it perfect." Mr. Guha seems to have very little knowledge of the village (Mr. P. N. Guha: Question!), and it is quite likely that seldom or at best once a year he gets the blessings of his native country, and it cannot be said that he knows the minds of the people, or the advantages which Union Boards and Union Committees are conferring on the people at large. He has objected to the establishment of Union Boards because of *daladali*, because of intrigues in villages. But is he sure that there is no *daladali*, no intrigue in villages where there are no Union Boards? I am afraid he is not, because even in a place like Calcutta there is *daladali*—there is intrigue among persons who hold the highest position in society. Therefore, there is no reason why he should object to the little *daladali* that exists in villages. On the other hand, it should be our bounden duty to see that these *daladali* are put a stop to, and the Act should be so amended as to leave little scope for this sort of intrigue or *daladali*. I would, therefore, strongly urge upon Government to establish Union Boards in every district, for it is here that you would be able to educate the people in the art of self-government. I am afraid there is no Union Board in my district, but there are Union Committees, and these Committees are doing their best in making improvements in the matter of sanitation and water-supply. I hope my district will have a network of Union Boards in no time. It should be the effort of all of us to ask Government to contribute very handsomely to the coffers of Union Boards in order to enable them to take up different projects which would be helpful in educating them and in making better arrangements for sanitation and water-supply. That is the only point which should be raised in this Council. I know the Union Boards have very little funds, and the one thing the villagers object to is that they do not like to tax themselves any more for the purpose of improving their own villages, because the people find it very difficult to make both ends meet and are, therefore, opposed to any fresh taxation for whatever purpose it might be imposed. But should Government place more money in the hands of the villagers, we are perfectly sure they will be able to utilise it in the best possible manner. All that is necessary is that they should come in contact with these persons, we should give them ideas and we should help them to organise themselves. These are needed, and this is the direction towards which we should all direct our energies, and to make their activities fructify we should in a body ask Government most fervently that they should make it a point to supply as much funds as possible for the improvement of Union Boards.

Rai SATYENDRA NATH ROY CHOUDHURI Bahadur: I support the resolution moved by Mr. Guha. Unfortunately I cannot deal in details, as I am unwell and weak. The Bengal Village Self-Government Act, 1919, is not popular in the province. It was not acceptable to the people; it was illustrated by the Midnapore incidents. People think that they have got no real power by the Act. Union Boards are so many wheels of Government—they are in no sense independent democratic bodies so far as self-government in villages is concerned. All the real power in village administration and in the administration of the Act itself is reserved to the Executive Government. Rai Harendranath Chaudhuri brought a Bill to remove some of the defects which was opposed by the Government and ultimately rejected by the House, and the honourable mover of this resolution, if I remember correctly, joined in its rejection. So long as real power is not given to these Boards, so long as the interference of Circle Officers is not removed, so long as special provisions are not made for their funds, the Act itself will not be acceptable to the people. Recently several Union Boards have been established in my district in spite of opposition, and the result is not unknown to you and to the Government. I refer to the recent Laukati incidents in the Patuakhali subdivision. The saner Presidents of the Union Boards in any district express their dissatisfaction and helplessness. Though I do not disapprove the principle of the Act, I am of opinion that no further Union Boards should be established before the Act is radically amended and made acceptable to the people.

SHAH SYED EMDADUL HAQ spoke in Bengali, the English translation of which is as follows:—

Being a villager, I am quite familiar with the working of the Village Self-Government Act. Unless this Act is further extended to meet the requirements of the people, any extension of its application will be mere waste of money.

In order to widen the scope of the usefulness of the Act, I introduced a Bill to amend it, and it was circulated for opinion. Although nearly all the districts were favourably impressed with the Bill, it was thrown out by Government. Similar Bills moved by some other members have also been rejected. It is natural under such circumstances to doubt the motive of Government.

Except the election of two-thirds of the members and the President, instead of nomination, no other improvement has taken place in the Act, and even the good that might have been done by this change has been neutralised by the appointment of Circle Officers who are bound by the nature of things to become dependent to some extent on the President and the Police Sub-Inspector. Government insist on having their way. Let them introduce a Bill of their own if they cannot accept Bills moved by non-official members.

The critics of the resolution will say, that since the Chaukidari Act will be in force, whether there is or is not any Union Board, it is better to have Union Boards with elected members. The Union Bench is also a desirable thing, in spite of its abuses, and it is, in fact, the only thing which distinguishes Union Boards from Chaukidari Panchayets as being purely tax-realising bodies.

We do not like the existing law. It is open to us to suggest improvements in order to make it adequately serve the purpose for which it is meant. It does not mean that we refuse to have Union Boards. We know that Government can increase the expense of Circle Officers if they choose even without the excuse of Union Boards.

Before I resume my seat, I appeal to Government to modify the law so as to meet the requirements of the village people who find the money spent by Government.

Mr. PRASANNA DEB RAIKAT: With much reluctance and hesitation I rise to oppose the resolution moved by my friend, Mr. Guha. It is really strange that in these days of democracy a resolution like this should be proposed by any Indian. The work done by the Union Boards up to date is quite satisfactory, and it is admitted on all hands that the system of working in the Union Boards introduced in Bengal villages has a great educative value, and I believe the Union Boards have fulfilled the purpose for which they were established.

I cannot make out why my friend, Mr. Guha, is so anxious to postpone the establishment of any more Union Boards in villages where they have not already been introduced. Can my friend say that the Union Boards in Bengal have caused any harm and loss either to the people or to the Government? I am afraid that if this resolution is passed and given effect to, the country will receive a severe shock and setback in its onward march towards the path of Swaraj for which the people of this country have been fighting so long.

Therefore, Sir, I am of opinion that the retrograde step which has been proposed by my friend, Mr. Guha, should not get any support either from the members of this House or from the Government. With these words, Sir, I strongly oppose this resolution.

The Hon'ble Mr. L. BIRLEY: Sir, we all know that Mr. Guha is not a shy man and we all also know that Mr. Guha is a humorist, but I confess that I marvel at his hardihood and flippancy in moving a resolution like this on a subject that he knows nothing about (laughter), with no other object than to ingratiate himself with a very limited number of selfish people in Bakarganj, who for their own interests desire to hinder the interests of their co-villagers. It is nothing new

in Bakarganj for the petty landlord and his said to fear that their influence should be lessened by the creation of representative institutions: it is nothing new in Bakarganj for the village tout to be afraid lest by the establishment of Union Courts and Benches his earnings should be diminished. These are the people whom Mr. Guha wishes to support. Mr. Guha is quite ignorant of the fact that there are many people in Bakarganj, in those villages where Union Boards have been started, who are in favour of the establishment of such Boards. But unfortunately those who fear that their pockets will be touched put more vigour into the support of their views than those who are desirous that villages should have opportunities for improvement. I should like to know whether Mr. Guha has made any inquiries at all in the districts of Dacca, Burdwan, Nadia, Hooghly, Howrah, or Birbhum, in which this Act is working, and in which a great deal of good work has been done. Mr. Guha had the hardihood to tell us that in 90 per cent. of the cases, Union Boards have been established in this province against the wishes of the people. I can only say that Mr. Guha made that remark without any knowledge, or without any foundation whatever, and if he had known anything about the working of the Act in Bengal, he would not have made that remark. Mr. Guha has referred to the opposition to this Act in Midnapore and Bakarganj. He would like to see a Congress victory in Bakarganj like that which was won in Midnapore by the Congress in 1921. In Midnapore, in 1921, the Congress did win a victory, and I was one of those who were defeated by them. It was a glorious victory over the "bureaucracy"—and over their own people. It was brought about by telling lies about the Village Self-Government Act and by intimidation. These lies were well devised so as to impress the particular classes to which they were addressed. Ignorant people were told that the four-anna subscription to the Congress funds would exempt them from all future taxation. I knew a man who supported the Act until his cowshed was burnt down. I knew another man who gave in because a dacoity was committed in his house. There were scores of cases like this. While this was going on in Midnapore, I asked the non-co-operators' leader to come and see me, and when he came I asked him to tell me face to face what was wrong with the Act. He told me that the Act was material and was not spiritual. He further told me that it was a mistake to try to make people sanitary by compulsion and that the proper way was to teach people to love sanitation and practise it voluntarily. Mr. Guha has told us that this is not the kind of self-government which is wanted by the people of Bakarganj, but he has omitted to tell us what is the kind that is wanted. In Midnapore they won a victory, and what has been the result of it? I heard the other day from a Circle Officer, who shared my defeat in 1921, that there were many people now who realise what opportunities they have lost, but they were still afraid of intimidation and they were not themselves prepared to move, though they realised

that they had lost opportunities. Five years have been wasted in Midnapore, and if they had not been, then all the villages in which there are trusted men would by now have obtained Union Benches and Courts. There is no part of this Act about which the people to whom I spoke were more keen than the prospect of having Union Benches. They realise the waste which is involved by the present system under which the village tout exploits every quarrel, hinders compromises, and drags his victims to court and extracts money from them. These things might have been avoided in many homes in Midnapore if the system of Union Boards had been worked. This is the kind of thing that Mr. Guha wishes to hinder in Bakarganj district. He is not doing any good to his district. If Mr. Guha had known more about this subject he would not have moved this resolution.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: Sir, it is significant and at the same time curious that excepting Mr. Guha, the mover of the resolution, who hails from Barisal, and another member from Barisal, this resolution has not met with the approval of any other member from any other district in this House. Do we understand that there is something rotten in the state of Barisal? Let Mr. Guha reply. The mover of this resolution asks Government not to establish any more Union Boards until, in his own words, "the law can be so amended as to be acceptable to the people of Bengal." Now, what will be the result of this resolution if it is carried? The effect will be to perpetuate the system of Chaukidari Panchayats and to stop further extension of the increased powers which the Village Self-Government Act has conferred upon the rural people. Under the one system the local authority, *i.e.*, the Panchayat, is appointed by the District Magistrate and has practically no powers and responsibilities beyond collecting the chaukidari tax. Under the other system two-thirds of the members of the local authority are elected, and the body so formed has power to realize taxes on its own initiative for expenditure on works of improvement and to spend the grants for such works which are made from time to time by the District Board and by Government. The Village Self-Government Act is in force throughout a large part of Bengal, and most of the Union Boards that have been constituted value the opportunities for self-help which have been given to them and make use of these opportunities in varying degrees. There has been much talk of late years about the amelioration of conditions in the countryside. Without belittling all that has been done by voluntary associations like the Bengal Central Co-operative Anti-Malaria Society, I think it may be said that so far as the improvement of rural conditions is concerned, the Village Self-Government Act holds the field and has no rival. The more the Act can be extended, the greater the hope for the future. To take a particular instance, I should like to inform the Council what

has been achieved under the Village Self-Government Act in my own district of Nadia. At the outset, Union Boards were started in selected places only, dotted about the district; and when the non-co-operation movement gathered force, these Boards became a target for the attacks of agitators. Political propaganda was met by counter-propaganda. People grew suspicious at the zeal with which the local officers were apparently urging the formation of more Union Boards, and they suspected some sinister motive, consequently no further progress could be made. Later on, the anti-Union Board movement and the counter-propaganda died down, and it was decided to establish Union Boards throughout whole subdivisions at a time, instead of in scattered places only. By this time the results achieved by the small number of Union Boards which had been started had opened people's eyes to the benefits of the Act, and Union Boards were successfully established throughout the district except in two char areas and in two places where agitation engineered from outside fostered a spirit of opposition to the extension of the Act. Popular elections took place in almost all the Unions, and it was only in rare instances that the District Magistrate had to use his powers under section 6 (*f*) of the Act. I have described the sequence of events which led to the successful establishment of Union Boards, and shall now recount what these Boards have achieved.

In the year 1332, the total sum raised by the Union Boards of Nadia district by way of taxation under section 37 (*b*) of the Act amounted to Rs. 27,737. This amount which was available for works of public improvement was supplemented by Rs. 2,105 raised by subscription and by generous grants from the District Board. The total sum granted to Union Boards by the Nadia District Board rose from Rs. 8,397 in 1922-23 to Rs. 23,830 in 1925-26—a sum not far below the total amount of taxes under section 37 (*b*) raised by the Union Boards themselves. How has this money been spent? Last year, Union Boards took up in right earnest the task of supplying the villagers with pure drinking water. To the Government grant of Rs. 15,000 the people themselves added Rs. 6,697 in cash, and they also supplied carriage and unskilled labour. With this help the Union Boards sank a total of 82 wells, varying in width from 3½ to 6 feet. The Boards have shown commendable energy in making and improving village roads. They are proud of their efforts in this direction, and the improvement of communications which they have effected is greatly appreciated by the village people. A scheme has been set on foot whereby a group of Union Boards will combine to support a dispensary from the proceeds of Union rate with generous help from the District Board. To provide for the villages situated at a distance from the dispensary, stocks of medicine are to be kept at Union Board offices and the dispensary doctors will visit these outlying centres

twice a week. When the income of the pounds has been made over to the Union Boards a great advance in primary education is expected. This is an illustration of what can be done under the Village Self-Government Act if the rural people take advantage of the opportunities which it offers to them.

In discussing the causes that had led to opposition to the formation of Union Boards in certain quarters, I cannot do better than quote the words used by His Excellency Sir Hugh Stephenson, Acting Governor of Bengal, in his recent address to the President and Members of Union Boards in Nadia district who met in conference at Krishnagar. His Excellency spoke as follows:—

You have had opposition which you have overcome, but such opposition is retarding the extension of the Act in other districts, and I have something to say about it It would appear that the provisions of the Bengal Village Self-Government Act provided just the machinery that is required for the "village reconstruction" of which we hear so much on political platforms, but of which up to now we have seen such small results Why then has there been opposition in the past and why is this opposition still found? It has always been one of my greatest difficulties to discover what are the grounds for opposition to the Act I am not convinced by being told that the people of a district do not want it, and I am not prepared to accept that as the last word, and for the very good reason that I find that in the district where they have it the people like it, as in Nadia Where any further reason is given, it is generally one of three The first is that the population cannot bear any extra taxation My reply to this is that the extra taxation is voluntary and, if imposed at all, will be imposed by a body a majority of which is elected We desire to give the opportunity for taxation and have no sort of intention to compel extra taxation The second is that the Act is worth nothing, because it does not give the Union Board complete control over datadars and chaukidars The Act gives a greater measure of control than the Chaukidari Act which it replaces, and this objection, therefore, amounts to refusal of part if the whole cannot be obtained But as long as the rural police have functions to perform which extend beyond the Union and which, therefore, relate to an authority other than the Union Board, the difficulty of dual control cannot be avoided. I wish you to understand, however, that it is the definite policy of Government to give the Union Board a greater interest in enforcing the duties of the police and, therefore, a closer control over them I understand very well the desire of the Union Boards to exercise this control If they did not have that desire they would not be exercising their functions Government have repeatedly impressed on their officers their wish that the Union Boards should be respected in this matter I find a passage in Mr Graham's report on your progress which shows that he respects your feelings on this subject, and I have no doubt that his attitude makes itself felt What matters most is the spirit in which the law and the rules are worked.

The third reason which is given is that the Bengal Village Self-Government Act is a device of the Government for increasing bureaucratic control It is difficult for one who reads the Act to understand this criticism, but it is largely directed against the Circle Officer. In all countries there is and must be a certain amount of central direction and control over local self-governing institutions; it is no more possible for a self-governing unit to go its own way in complete disregard of the rest of the world that it is for an individual to do so. The only difference lies in the methods and means of that control. In England, the controlling powers are very much more stringent, and perhaps for that very reason

the occasions for their use are comparatively few. In India, in the present state of village self-government, the personal element of guidance is more helpful and valuable than checks and counter-checks by rules, and it is the Circle Officer that supplies this element and acts as a link between the village unit and other authorities. Here, again, what matters most is the spirit in which this work is done, and in this district I can rely on the officers acting under Mr. Graham's orders to work in the right spirit, and I have had definite information that they do so. No effort will be relaxed to secure this result

I find, therefore, that these three reasons which are given do not explain the phenomenon. When I return to the story of Ireland in 1899 I find the following record by one who had long experience of that country:—

> "In the south of Ireland opposition to the Irish Government and the executive in and out of Parliament was the first principle of political life, and the determination to obstruct and make the Government troublesome could in a great measure be effected by constant resistance to the Local Government Board"

There is no other explanation of the opposition of a political party to the extension of the Bengal Village Self-Government Act

Mr. Guha has made special reference to events in Bakarganj where there has been a certain amount of opposition to the formation of new Union Boards, particularly in Laukati Union. Government caused inquiries to be made into the genesis of this opposition, and are satisfied that it is not a genuine popular movement based on full knowledge of the nature of the Village Self-Government Act. It appears from the inquiries made that from personal motives certain classes of people are opposed to the extension of the Act. Mr. Birley has already explained in some detail as to how matters are being worked up there. Among these are touts who are afraid that their trade will suffer from the diminution in the volume of litigation in the ordinary courts and to a limited extent practising lawyers who share this fear. In Bakarganj these malcontents called in the aid of Congress volunteers to engineer a movement against Union Boards. It is surely a paradoxical situation that a so-called popular movement is directed against a measure which confers greatly increased powers of self-government on the rural people. The only possible explanation of the attitude of the politicians who have organized the movement in Bakarganj is that the Village Self-Government Act is a Government measure, and that Government must on no account acquire any credit for the improvement of rural conditions and the uplift of the villagers. In other words, it is the story of Ireland once more repeated. To such a challenge there can be only one answer, and it is this: Government will not allow any political party to decide whether or not a measure which is intended for the benefit of the countryside and which is being successfully worked over large areas shall or shall not be extended to other parts of Bengal.

The policy of the Government is not to force a bitter pill down the throat of an unwilling patient, but to sympathise with him, make him see the benefit of the remedy and induce him to accept it willingly.

The question of amending the Act, I am sure, is premature, since the results of its application are not yet comprehensive for any general conclusions being drawn. I would, therefore, oppose the motion.

Mr. P. N. GUHA: Sir, it is impossible for me to overlook the fact that my colleagues here, hailing from other districts, are opposed to my resolution. I respect their feelings.

With regard to the reply of Government, I found that it was divided into two parts—the part of vilification was entrusted to one member and the part of reasoning was undertaken by another member of the Government. Mr. Birley said that I had the hardihood and flippancy of bringing in a subject for discussion about which I knew nothing. I may tell Mr. Birley that I am a man born and brought up in a Bengal village and so I know fully well the condition of the villages of this province. It is nothing but hardihood, coupled with bureaucratic impudence and cheek, that can question my experience in this direction. Therefore, I am not going to touch Mr. Birley's contention any further.

As regards the Hon'ble Maharaja's assurance, I am very glad to learn that Union Boards will not be thrust upon the unwilling heads of the villagers. My resolution may have been unfortunately worded, but that is exactly the thing that I want. Unless the villagers themselves show an eagerness to work out the provisions of the Act, they should not be compelled in any way. With regard to the conclusion that the Government arrived at regarding the Laukati incident, I very respectfully differ from the Maharaja. He may have a very low opinion—or, for the matter of that, the whole Government may have a low opinion—about the lawyers of my district, but I have not. Fortunately or unfortunately I am not a lawyer, but I am the only member of my family who does not belong to that noble profession. My father was a lawyer and my younger brothers are lawyers. So I cannot have a very low opinion of lawyers as a class. The statement that the agitation at Laukati was not a genuine one, proved the complete ignorance on the part of those who supplied the information to Government, and showed the manner in which information was collected by Government. We know it for a fact that for information Mr. Birley depends on Mr. Roy, Mr. Roy depends on Mr. Blandy, Mr. Blandy in his turn on the Subdivisional Officer, the Subdivisional Officer again on the Circle Officer and the Circle Officer goes to the village chaukidar, and the stories thus collected are well cooked in the Secretariat and presented to us in this Council as the true history of the village administration. This is exactly the system of administration which we all very seriously condemn. Sir, I do not think any useful purpose will be served by wasting my energy in trying to convince the Government. Therefore, firstly, out of respect to the feelings

of my colleagues, and secondly relying on the assurance given by the Hon'ble Member in charge, and not for the vilification of the member who is not in charge, I beg leave of the Council to withdraw the motion.

The motion was then, by leave of the Council, withdrawn.

Suspension of Civil Courts work for "Jumma" prayers.

Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: I move that this Council recommends to the Government to take whatever steps may be necessary, whether by legislation or otherwise, to secure that all civil courts in Bengal be closed on Fridays between the hours of 12-30 P.M. to 2 P.M., so that Moslem officials, employees, litigants, witnesses or members of the Bar may have the same freedom to say their *Jumma* prayers as is now enjoyed by similar persons attending criminal and revenue courts.

In order to fully appreciate the importance of this question, it is necessary for me to trace its history right from the very beginning.

Now, Sir, ever since the establishment by law of British supremacy in India Mussalman employees, as well as members of the Mussalman public having business in law courts, had been suffering the greatest inconvenience, if not actual hinderance, in the performance of their *Jumma* or Friday prayers, as there was no rule entitling them to leave to say their *Jumma* prayers between the hours of 12-30 and 2 P.M. on Fridays. In other words, the Moslem Sabbath had so far not received public recognition at the hands of Government.

In order to obtain the recognition of this Sabbath I moved the Imperial Government for the first time on the 18th September, 1912, at Simla. The Government of India showed the utmost consideration and expressed their willingness to grant the said leave to all Mussalman employees, and Sir Reginald Craddock, the then Home Member, advised me to move local Governments.

It was then my privilege to approach the Government of His Excellency Lord Carmichael, and at my instance the Government of Bengal by their notification No. 5746P., of the 21st November, 1912, granted this privilege. Mr. Beatson-Bell, the then Commissioner of Dacca, whilst transmitting the orders of the Government of Bengal, added in a circular to his subordinate officials that facilities should also be afforded to Mussalman pleaders, mukhtears and litigants to say their *Jumma* prayers. Thereafter, as a result of my exertions, this privilege was extended throughout British India and Burma.

It has since been found that mere grant of leave has not afforded that relief which was sought to be given. In the mufassal law courts it has often happened that whenever Musslaman litigants have absented themselves to say their *Jumma* prayers, cases have been called up and struck off for default. Further, there have been officials who did

not like to have as their immediate subordinates Mussalmans who would leave their work for an hour and a half or two hours regularly every Friday, and such appointments as readers, peshkars, judgment writers, clerks, copyists, etc., which are often entirely in the gift of such officers, were kept back from Mussalmans and given to members of other communities who would work constantly with them. From time to time various complaints have appeared both in the public press as well as voiced on public platforms which have gone to show that mere leave to say their prayers has, instead of affording facilities, in many instances worked to their detriment.

At the July session of this Council, in answer to an interpellation put by Shah Syed Emdadul Haq, Government agreed to inquire further into this matter and issue fresh instructions if necessary. As a result Government circular No. 82881., dated the 23rd December, 1923, with further instructions, was issued.

The purport of these instructions was that Moslem employees, litigants, witnesses, pleaders, etc., could absent themselves without formally asking for permission. It will thus be seen that these instructions did not remove the difficulties at all. Therefore, what I wish to press is that on Fridays, between the hours of 12-30 and 2 P.M., work in mufassal courts should be kept in abeyance out of deference to our Moslem Sabbath. As a rule, every day work does cease for half-an-hour or three-quarters of an hour in those courts owing to adjournment for tiffin. Therefore, if once a week the tiffin adjournment were only extended to an hour and a half, it would meet the requirements of the case and at the same time give intense satisfaction to the entire Moslem public of this province and outside it.

I may mention that out of deference to the religious beliefs of their Moslem subjects, Friday is a recognised holiday in some and half-holiday in other Feudatory Hindu States in India, although in some of those States Moslem subjects constitute almost a negligible minority.

Now, Sir, the Mussalman community entertain very strong opinion on what is a vitally important religious matter. The Holy Quoran lays down: "Ya ayiahul Muzeena umanu iza nudia lissalat-i-main yum-ul-Jumua't-i-fasao ila zikirillah wa zarul baiy", *i.e.*, "Oh, ye who believe! When the call is made for prayer on Friday, then hasten to the remembrance of God and leave off all business."

Thus the demand made for unrestricted opportunity to say our *Jumma* prayers cannot be called in the least unreasonable.

It has been pointed out in serious debates in this very Council that so long as the position remains one where permission is granted on request, there will be difficulty and discord arising from the action of ministerial officers. The dissatisfaction caused may not be openly voiced, but it is deeply felt. In a matter such as this it is hardly

becoming that no action should be taken unless and until there are complaints by the persons affected; many of these are not in a position to complain; others would undoubtedly be made to suffer if they did complain. Opportunity to observe the essential forms of one's own religion ought not to be granted grudgingly as a concession because of complaints, but rather granted freely and even in anticipation of demand as being a right to which every subject is entitled. So long as the courts and offices remaind open at the time of *Jumma* prayers, so long will there remain misunderstanding and the possibility of interference. It is most undesirable that a Mussalman who goes to say his *Jumma* prayers should do so with the feeling that his case may be called and disposed of in his absence.

I may at once say that this view of the matter has been accepted by the Government of Bengal, and they thought that the only real solution was that courts and offices should be closed down at the time of *Jumma* prayers. It will then be impossible for a Muhammadan to suffer because he attends to his religious duties; there will be no possibility of any obstacles being put in the way of his saying his *Jumma* prayers. He cannot be made to go there just as a Christian may not go to Church on Sunday, but if he does he will not go there with the feeling that he is risking loss by so doing.

The Government, therefore, wished to pass orders that on Fridays between 12-30 and 2 P.M. the working of all courts and offices subordinate to them will be suspended altogether, thereby enabling all Muhammadans, whether employees, litigants or members of the Bar, to attend their *Jumma* prayers. This might entail a certain loss of working time, but on examination it has been found that the loss actually involved is less than at first appeared. It is well known that even when courts close and outside of court hours work is carried on both by presiding officers and clerks. It is not at all unlikely that this will continue in the case of Christians and Hindus. There is the further fact that in most civil courts one day in the week is set aside for small cause or miscellaneous work; it is possible to fix Friday for such work and by due attention of arrangement of work, no serious interference with the day's routine need be experienced. Petty judgments, orders, routine work and inspection of registers, etc., can be done during the break in the middle of the day. The break will only be an hour at the utmost longer than the usual interval for tiffin, and it must be allowed that in many, if not most, courts advantage is taken of the interval for lunch to attend after lunch to minor office matters, correspondence or urgent matters which require orders to be passed on papers called for that morning, with the result that the customary half-hour is frequently exceeded.

It is obviously desirable that all courts, both criminal and civil, should adopt a uniform practice. If courts of all Magistrates are

closed for a short interval to allow the Moslem community to observe what is an essential part of their religious duties, it cannot but occasion serious hardship if the civil courts remain open. It would be most inconsistent that a Moslem on trial for his liberty should be allowed to go to say his prayers at the appointed time, while his brother—a tenant-defendant in a rent suit—should have to sit at the civil court lest his case be called and decreed in his absence. There ought to be completely uniformity in all courts in the province; a claim which is in essence irrefutable cannot be allowed in the case of one set of courts and refused in the case of another.

Now, Sir, it appears from previous orders and instructions given in the past that both the High Court and the Government have issued orders of this nature in the case of civil courts; the Government having had no desire on the present occasion to raise any question as to which is the exact authority from which orders in such a matter should issue to the civil courts, they intimated that they would be quite content if the High Court issued the necessary orders, or they would themselves be prepared to issue the orders if the High Court approved of that course, and stated that they felt certain that the High Court on a perusal of the papers and debates in the Council would appreciate the urgency and reasonableness of the request and would give it their utmost sympathetic consideration.

Unfortunately, Sir, that sympathetic consideration which the Government of Bengal pleaded might be extended to the Moslems by the High Court was, alas, denied to them, and thereupon the Bengal Government thought they had no other option but to issue orders that the criminal and revenue courts over which they felt they had unquestioned sway should remain closed between the hours of 12-30 and 2 P.M. on Fridays.

Thus, not only were the Moslems shown no consideration and were told to go without their *Jumma* prayers by a majority of the Judges of the High Court to whom the matter was referred by the Chief Justice, but they assumed to themselves a prerogative which on an examination *Inshaallah* God willing I shall be able to show that they do not possess.

Sir, I shall now trace the history of the earliest orders with regard to the sitting and closing of all courts. The earliest orders regarding the hours of sitting of courts are contained in High Court's circular order No. 6 of 1864, which laid down that every Sessions Judge and Magistrate shall sit daily and punctually at hours appointed for the opening of his court. There is, however, no mention of what the appointed hours were. In 1867, Government issued instructions to the Commissioners of Divisions, directing the observance in criminal courts of the holidays then recognised for the revenue courts, subject to arrangements made for the disposal of urgent business, and permitting all Muhammadans employed in the revenue and magisterial courts

to absent themselves from office on certain days in connection with Muhammadan festivals. A copy of those orders were forwarded to the High Court for information.

In a resolution recorded in May, 1873, it was stated that "the Lieutenant-Governor will make it an invariable rule that all offices, etc., must be open and actually at work, and all officers in their places not later than 11 A.M. punctually." A copy of the above resolution was forwarded to the High Court with the remark that "the Lieutenant-Governor thinks that the Hon'ble Judges may, recognising the importance of the matter, see fit to give some strict orders regarding the hours of attendance in the regular civil courts, analogous to those which have been issued in the resolution cited above".

But in the Government circular No. 409 J.—D., dated the 8th September, 1892, however, it was stated that "the Lieutenant-Governor will be willing to give effect to the suggestion of the High Court that some Sessions Judges may be permitted to leave their sessions during the civil court vacation." Here it will be noticed that the Government of Bengal authority is the civil court.

In 1899, to afford Muhammadans facilities to say their midday prayers, a general letter was issued by the High Court to all Sessions Judges, intimating that in the opinion of the Court it was advisable that there should in the case of trials by jury, or with the aid of assessors, be a short adjournment daily (not exceeding half-an-hour) at about 2 o'clock in the afternoon.

In 1902, in consultation with the High Court, a circular was issued by Government regarding District and Sessions Judges taking advantage of the civil court vacation. Here again it is the Government of Bengal that seem to have issued instructions to the civil courts.

The High Court in 1912, in forwarding a representation from the ministerial officers of the civil courts in Alipore for the early closing of the courts on Saturdays, recommended "that the concession, if made, should not be confined to the courts at Alipore, but should be geeneral." in view of rule 1 of the High Court General Rules and Circular Orders (Civil), Volume I, Government did not issue any orders on the subject, but simply informed the High Court that there was no objection to the civil courts in the Presidency being closed at 2 P.M. on Saturdays if the state of work permitted it. The Court in 1921 inquired if the local Government had any objection to the issue of a circular by the High Court to subordinate courts in the above sense, and on reply being given in the negative the circular was issued by the Court.

It will thus be seen that although on earlier occasions the High Court passed orders of this nature, during the later periods, it is the Government of Bengal that issued instructions to the civil courts in matters of a similar nature. Such being the case, the Government seemed to hesitate as to whether they or the High Court had requisite authority

over the civil courts in such matters. I would, however, do them the credit and say that I do not think they were lacking in backbone or that they were afraid of the High Court. It seems to me they only wish to travel in the line of least resistance—a procedure which often as not leads to nowhere.

By this time, however, I hope they have discovered, as we have, that the massive portals of the High Court are closed to Moslem aspirations not only in this matter, but in other matters such as appointment of Moslems as Munsifs and so forth. It is not for me to suggest to Government what sesame by say of a *mantram* they have got to repeat for those portals to be flung open. I will leave it to them to exercise all the ingenuity they are capable of. I would only appeal in the name of all that is holy and all that is sacred, that the just demand put forward on behalf of 26 millions of His Majesty's fellow subjects may not be so highly brushed aside. If the Government desire to employ further the arts of cajolery and persuasion they are at liberty to do so. If, on the other hand, they are of opinion that the time has now come to take power unto themselves by way of legislation. I urge upon them to do so. I only plead that those God's creatures who desire to have communion with their creator on Fridays between the hours of 12-30 and 2 P.M. may not be withheld from doing so.

With these words I commend this resolution to the unanimous acceptance of this House.

SHAH SYED EMDADUL HAQ: I move by way of amendment that in the motion of Hadji Mr. A. K. Abu Ahmed Khan Ghuznavi, line 5, after the words "Moslem officials," the words "jurors and assessors" be inserted.

He spoke in Bengali. The English translation of which is as follows:

"Sir, the very first resolution moved by me at the first session of the Reformed Council was on the subject of closing the law courts for *Jumma nemaz*.

Because Moslems have lost their empire, they are put to such inconvenience on *Jumma* day in the matter of performing *nemaz*. We get a holiday on Sunday because we live under Christian rule. How many Chrisitians are there in comparison with Moslems? Government go against the spirit of the Queen's Proclamation by refusing to give Moslems facilities for offering their prayers on *Jumma* day.

Nearly six years have passed since the acceptance of my resolution. Government have given facilities for prayers in the Collectorate and other offices, but they have taken no steps with regard to Civil Courts.

I believe non-official members do not oppose the resolution. On a former occasion it was even supported by a Christian member of

the House, but Government opposed it persistently. The answers given by Government to my questions asked in subsequent sessions of the Council on this subject have been mortifying. The criminal as well as the civil court is under them. What are we to say to them, then, for their indifference to Moslem requests to introduce the system in civil courts which they have already introduced in criminal courts?

For want of the proposed provision, Moslems having law suits pending in Civil Courts have to suffer from great inconvenience. A man of spirit insisting on having his right to offer prayer is likely to incur the displeasure of the court and, in particular cases, to suffer material loss by losing his suit. On one occasion I had a hot discussion with the 4th Sadar Munsif of Comilla on the subject, and, being unable to persuade him to allow me leave to withdraw for *nemaz*, was forced to run a risk by withdrawing without his permission. He set aside my deposition, gave vent to his displeasure in his judgment, and gave his decision against all the issues involved. When this was my condition, the condition of ignorant rural people can be easily guessed. A similar incident took place the other day at the Court of the 6th Sadar Munsif of Comilla.

The condition of Moslem assessors and jurors is more pitiable; because, being uneducated village men, they do not venture to insist on having their right of worship in the face of European Judges with whom they have to work. Not to speak of others, I myself had to act at my own risk at the Court of the Judge of Tippera on one occasion after a hot discussion with him.

Before I resume my seat I warn the Government again, and appeal to them to revise their attitude which is highly prejudicial to the retention of the good faith and trust of the people. Moslems have been loyal so far, and have not taken part in any conspiracy against Government. It is not right to alienate them for the sake of such a small concession. The people are awakening and demanding their rights, and they will not be put off every time. I moved a similar resolution once and I am moving it again. If Government refuse to accept it, I shall move it again in future, and there will be an agitation over it. I hope that in this circumstances Government will see their way to accept the resolution and take action on it."

Mr. K. C. RAY CHAUDHURI: I have very great sympathy indeed with the spirit of this resolution. As a matter of fact, if I were a Muhammadan, I would have asked for every facility to Moslem co-religionists, otherwise I should be failing in my duty. But may I ask at the same time to consider the lot of hundreds and thousands of workers in the mill areas who ask the same question, viz., that if this be conceded to the educated Moslem gentlemen, it should be

applicable to the workers and mill-hands as well, as they are just as orthodox Muhammadans as the educated Muhammadans are. They should be let off on Fridays for prayers for two hours without any cut on wages. If you once accept the principle contained in this resolution, I do not know how you are going to refuse in the case of others. For example, the Hindus might say that on Thursdays they should not be made to work for two hours in the evening which are most unholy and inauspicious according to Hindu astrology. So I think one must draw a line somewhere. As I said before I have every sympathy with the resolution. I think that unless you are prepared to give similar facilities for religious observances to all, you cannot accept it piecemeal.

With these words I would ask the Government to give an assurance that the Government would do all that is possible and feasible to help our Moslem friends, and if such assurance is forthcoming my friend would probably see his way to withdraw his resolution.

Babu AMULYA DHONE ADDY: I beg to support the resolution of my esteemed friend, Mr. Ghuznavi. I have the greatest confidence in the High Court of Calcutta I think it is the fountain of justice. I am sorry an insinuation has been made in the case of the High Court in regard to the appointment of Munsifs. I am strongly of opinion - -

Mr. PRESIDENT: You should not deal with that, Mr. Addy.

Babu AMULYA DHONE ADDY: All right, Sir. I fail to understand why the High Court has not thought it fit to grant the prayer of my Muhammadan brethren. It appears from the resolution itself that during this period on Friday the criminal and revenue courts remain closed. If that be the case, I think the civil courts should also remain closed during that period. If Sundays are observed as closed holidays on account of their being regarded as Christian holidays, I think we should accept the suggestion of closing the civil courts for only an hour and a half on Fridays. I admit that the work of the civil courts will suffer to a certain extent, but at the same time we should not do anything that would affect the religious feelings of my Muhammadan brethren.

Maulvi EKRAMUL HUQ: I rise to support the resolution. This resolution stood in my name also in the last Council, and it became a preference resolution, but as I knew Mr. Ghuznavi was the person to do justice to it, I thought it proper not to send in a notice of it in my name this session. We have seen how he has placed the case for consideration before the Council, and I feel certain that Government will be pleased to accept the resolution. I should add one thing and that is that I am thankful to Mr. Addy for the kind support

he has extended to this resolution. As regards Mr. K. C. Ray Chaudhuri, I may tell him that the best way how he should spend his time in the unholy hours on Thursdays (*barbela*) is that instead of trying to take rest and doing nothing, he should employ that time in the pursuit of making money and in the worship of Mammon.

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. L. Birley): This subject has a very lengthy history, but I need not go very far back. In 1924 the rules in force in Revenue offices and in the criminal and civil courts did not prescribe that the courts or offices should be closed in the middle of the day on Fridays for *Jumma* prayers. They provided, however, that on Fridays Muhammadans of all classes having dealings with Courts and Government offices, *i.e.*, employees, litigants, witnesses, pleaders and mukhtears, should be permitted to be absent between 12-30 and 2 P.M. without the necessity of asking for permission. For the information of the Shah Saheb, I may say that this list includes jurors and assessors about whom he is so anxious, and that it is not the practice to keep them locked up while other Muhammadans go away to say their prayers. In 1924 it was represented to Government that these rules were inadequate. Consequently, in 1925 Government, after considerable hesitation, ordered that the revenue and Magistrates' courts should be closed during these hours. They did not, however, require that work should be suspended in the offices, but only that Muhammadan employees should be allowed to be absent. Mr. Ghuznavi objects to this. But let us consider what the closing of the offices means, and what is to be done by the Hindus who are to remain in the offices. Surely, it is not intended in the first place that they should be turned out and compelled to leave the office. If, on the other hand, the Hindus are allowed to stay in office, it is not reasonable to make them sit idle, with the result that they will have to do more work afterwards. For this reason it was provided that the work in the courts should cease, but it was not provided that the work in the offices should be stopped. The High Court was consulted on the subject of making similar provision in the High Court and in civil and sessions Courts. Their opinion was that the system in force in 1924 was satisfactory, and they were not prepared to alter it. They agreed, however, to consider the question again if experience showed that the orders of 1925 worked well in the Magistrates' and revenue courts. When the orders of 1925 had been in force for a year, Government obtained reports about their working. The reports generally showed that they were satisfactory, but they also disclosed in some cases interference with judicial work, involving delay and consequent hardship to litigants—Muhammadan as well as Hindu. Government felt that if they placed all those reports before the High Court, there was no reason for expecting that the High Court would alter their

opinion expressed in 1925, and, therefore, they refrained from taking any further action.

I recognize that this is a subject on which many Muhammadans feel deeply. At the same time, it has been pointed out before by Government, and it has been recognized by the mover of this resolution, who feels strongly on this subject, that too much insistence on this demand inevitably leads to a disinclination to engage Muhammadans. This aspect of the question should not be forgotten in the interests of Muhammadans. Government are not satisfied that the orders in force fail to give reasonable facilities for prayer, and, for the reasons which I have stated, they are not at present prepared to take further action.

The amendment of Shah Syed Emdadul Haq to the resolution of Hadji Mr. A. K. Abu Ahmed Khan Ghuznavi was then put and agreed to.

The motion of Hadji Mr. A. K. Abu Ahmed Khan Ghuznavi, as amended, was then put and agreed to.

The following motion was, in the absence of the member, deemed to be withdrawn:

Dr. J. M. DAS GUPTA: "This Council recommends to the Government to extend the right of co-option to all Municipalities in Bengal."

Re-excavation of the Alaipur Khal.

Maulvi SAYYED SULTAN ALI: Sir, I beg to move that this Council recommends to the Government that early steps be taken to re-excavate the Alaipur Khal, in the district of Khulna, so as to make it navigable during all parts of the year.

In moving this resolution I wish to explain the reason for which I move it.

The khal is about 5 miles long. The route from Chittagong to Calcutta *viâ* Alaipur Khal was the shortest and the safest, and a very large number of boats used to pass through it. There was steamer service from Khulna to Barisal *viâ* Alaipur Khal and that was one of the earliest steamer lines. Its importance was recognised by Government, and twice it was excavated. For some years past it has again been silted up, which has caused great hardship to millions of people who used to pass through it.

It may be said that when the Government twice attempted to keep it alive but failed, re-excavation will not serve any useful purpose. As a reply to that, I am to say that the failure was due to the short-sightedness of the then engineers who were in charge of the works. If

sluice gates had been provided and periodical dredging arrangements had been made, it could have been easily kept alive.

In this connection, the question may arise as to how the cost of maintenance will be met. My suggestion is that, if toll be levied on cargo-boats passing through it at a moderate rate, the difficulty may be easily solved. I am of opinion that people will not object to such a toll, as the advantages derived by them will be very great.

Sir, apart from the consideration of facility of communication, there are considerations of sanitation and agriculture for which the khal should be kept alive. On account of the silting up of the khal, the fertility of large tracts of lands on both sides of it has greatly diminished, and a large number of villages situated on both sides of it have become insanitary, where cholera, malaria and kala-azar have made their stronghold of operations. The once prosperous and happy people living on both sides of it are on the verge of ruin.

The present necessity for its re-excavation has been impressed upon the Government by the people of Khulna several times, but no practical step has as yet been taken to redress the grievances of the people.

The Hon'ble Member in charge of the Department of Irrigation gave us some hope, in answer to my question, that the matter was under consideration of Government, but recently I have come to learn that an inquiry has been set on foot to ascertain the number of boats which are likely to pass through it. Sir, I am to observe that by that process the Government will not be able to ascertain the real state of things, as the boats have been passing through various other routes and the people living on both sides of the khal have given up business by boats.

Sir, the inquiry started by the Government reminds me of a similar inquiry started by the Khulna District Board to ascertain the number of people who passed by the District Board road from Khulna to Bagerhat, to decide whether connection of the two places by railway was practicable. The opinion of the Board was against it. But ultimately the railway line was opened and its authorities have been regularly paying a dividend of 4½ per cent. from the very beginning, virtually without having any arrangement for goods traffic.

Sir, a few words more and I have done. There are three means of communication, viz., roads, railways and rivers, of which the rivers are most important for various other considerations stated above. The roads are in charge of Government, Municipalities and various Boards, the railways are in charge of Government and Companies, but the rivers which are the best source of health, happiness and prosperity of the people are in charge of nobody and have been totally neglected by Government.

If this state of things continues, Bengal will be as barren as the up-country in the near future. There is yet time to save the situation,

and I earnestly appeal to Government to take early steps to keep the rivers of Bengal in proper condition, and I also appeal to the hon'ble members of this Council to accord their whole-hearted support to my resolution.

MEMBER in charge of IRRIGATION DEPARTMENT (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur, of Nadia): Sir, the question of the improvement of the Alaipur Khal has been under the consideration of Government for some time. The khal forms a portion of the inner boat route between Khulna and Bagerhat and has silted up due to various changes which have taken place in the river system during the past century in this vicinity, and a tidal meeting ground has formed inside the channel. A project has been prepared for the semi-canalisation of the khal by building a lock and a sluice at the eastern end where the channel joins the Damodar river at Jatrapore. By this means the tide from the Bagerhat river will be excluded, and it is expected that a through current will be introduced from the Attarabanka. Should these works not prove successful, a complete canalisation of the khal can be effected by building a second lock at the western end at Alaipur, but it is not intended to take up this portion of the work until a trial has been given after completing the works at the eastern end. The project is now with the Superintending Engineer and is under examination by him, and it is expected that orders will be passed shortly and the scheme taken up as finances permit. I, therefore, accept the resolution.

The motion of Maulvi Sayyed Sultan Ali was then put and agreed to.

Preservation of Cattle.

Babu AMULYA DHONE ADDY: Sir, I beg to move that this Council recommends to the Government—

(i) that the slaughter of calves and prime cows be prohibited or materially restricted, except in religious ceremonies or festivals; and

(ii) that early steps be taken for the establishment and maintenance of an adequate number of veterinary charitable dispensaries in Bengal.

Sir, I may say at the outset that it is not a religious question. I move this resolution from an economic point of view, pure and simple. It is a question in which not only the Indians, but also the Europeans and Anglo-Indians are equally interested. It is a question in which not only Hindus, but Muhammadans and Christians are equally interested. As a Hindu I am strongly of opinion that the slaughter of

bullocks even should be prohibited, but I stand here not as a Hindu, but as an Indian, as a representative of a body which consists solely of men of business—a body the sole object of which is to do good to the people of this country—and in accordance with their mandate I am moving this resolution. Sir, it will appear that my suggestion is a very moderate one. I suggest that the slaughter of calves and those cows which are fit for breeding purposes be prohibited. I do not suggest that the slaughter of such animals be prohibited for religious ceremonies or festivals. What I do object to is the slaughter—indiscriminate slaughter—of calves and prime cows from day to day. It will further appear that I have suggested that if it is not prohibited altogether, it may be restricted by the levying of a fee. Sir, we all know that Bengal is an agricultural country—75 per cent. of the people of Bengal are practically dependent on agriculture. In order to develop agriculture, we must improve the breed of cattle, but we find that the number of cattle in Bengal has been going down from year to year. It appears from the statistics which have been published by the All-India Cow Conference Association of which the Hon'ble Mr. Justice Woodroffe was the President, as well as those published by the Cow Preservation League of which the Hon'ble Mr. Justice Mookerjee was the President, that in the year 1917-18 the total number of cattle in Bengal was 25,324,000 and that in the year 1919-20 it went down to 24,724,000, while in Canada it has been increasing by leaps and bounds.

However, this is most inadequate for our agriculture, because we find that in Australia for every hundred of the population the number of cattle is 259. In Uruguay in South America the number of cattle is 500 per hundred of the population, while in Bengal it is not more than 50. There one pair of cattle are in a position to till 5 acres of land, while here under the present circumstances they are enforced to till even 10 acres of land. That is the reason why the outturn of our crops is so low. That is the reason why the prices of our food grains are so high. I find that in the case of wheat, the outturn thereof in Denmark is 41 bushels per acre, even in Egypt it is 27 bushels per acre, while in India it is not more than 13. Then as regards the price of *balam* rice, in the year 1873 it was Rs. 2-2 per maund, while now it has gone up to Rs. 8 per maund. It is alleged that it is due to the export of rice to foreign countries. As a rice merchant I say it is not. If you take into consideration the case of India, only 2 per cent. of the rice is exported. In the case of wheat, only 15 per cent. of the outturn is exported. That is, therefore, not the cause of the high prices of rice and wheat.

Now as regards milk—in the year 1857 it was selling at 40 seers per rupee, in 1890 it was 16 seers a rupee. But pure cow's milk cannot be had now at even 2½ seers per rupee. We all know that milk is the

only food for infants and invalids. That is the reason why I beg to submit that necessary steps should be taken so as to reduce the price of our food grains and to cheapen the price of our milk. It is most regrettable that we are under the painful necessity of importing a heavy quantity of milk from foreign countries for the upkeep of our infants, because it appears that in 1924-25 we had to import one crore lbs. of milk from foreign countries into India. What is the result? The result is a disastrous one. The rate of mortality in Bengal is appalling. In New Zealand it is not more than 9·5 per thousand of the population, even in Japan it is not more than 20·9 per thousand. In India it is 38·2 per thousand. As regards infant mortality, in New Zealand it is 48 per thousand of the population and in India it is 224 per thousand. Take the case of Calcutta. In 1922 the rate of infant mortality was 322 per thousand. I would draw the attention of my Muhammadan as well as Hindu friends to the rate of infant mortality amongst Hindus and Muhammadans: it was 269 per thousand amongst Hindus and 386 per thousand amongst Muhammadans in 1922. What are the causes of this deplorable state of things? I have gone through the statistics. I have also collected facts and figures from various parts of India, and I find that the causes are export of cattle of the best breed from India to foreign countries and lack of pasture grounds. In the United States of America there are 13 acres of pasture ground per head of cattle. In Bengal it is not more than 17 cattle per acre. Then, the inadequate number of stud bulls. In Bengal there are only 158 stud bulls maintained by the Government as well as by the local authorities. The practice of *phuka* is also responsible to a great extent. I am very glad that steps are being taken by the Government as well as by this Council through the exertions of our esteemed friend Dr. Moreno —

Mr. PRESIDENT: I must impress on you that you should proceed with your own resolution. Be brief, please.

Babu AMULYA DHONE ADDY: I admit that the local authorities and Government have been trying their best to reduce the mortality by improving the sanitation; I admit that lakhs and even crores of rupees are spent by the local authorities and Government for improving sanitation to reduce the rate of mortality. But what is the root cause of the mortality? I find that the slaughter of cattle is the root cause of the heavy rate of mortality. Sir, I find from the statistics that out of a total of 145 millions, 10 millions of cattle are slaughtered every year in India, of which one million are slaughtered for consumption by European soldiers of India, six millions for the civil population of India, one million for the manufacture of dry meat which is exported in heavy quantities to Burma and two millions for the supply of hides. It is most regrettable, Sir, that cows—prime cows—are not only slaughtered for human consumption but also for

the supply of hides which are exported in heavy quantities to foreign countries as well as for the supply of dry meat to Burma. Then, Sir, a large number of cattle are slaughtered in Calcutta. In the year 1919, 164,000 cattle were slaughtered. Of course, the number has gone down a little by the efforts of our esteemed friend Mr. Jones, Editor of the *Statesman* or rather the *Friend of India*. A large number of calves and pregnant cows used to be slaughtered. In the year 1921, 142,000 calves, cows and bullocks—most of them were prime cows—were slaughtered in Calcutta. Therefore, I beg to submit that necessary steps should be taken for the preservation of cows. Sir, we find that there are laws for the protection and preservation of wild birds and animals. The females are not allowed to be slaughtered under that Act. I also know that amongst Hindus she-goats are not allowed to be slaughtered. They do not object to the slaughter of he-goats. Apart from religious grounds, this principle is observed purely from an economic point of view. I as a member of the Baisnab community of the Hindus strongly object to the slaughter of he-goats even. From an economic point of view, we should put a stop to the slaughter of prime cows. If we do so, what would be the result? The result will be—we shall be in a position to increase the supply of milk, and not only that, we shall be in a position to increase the supply of beef. The price of beef has been going on increasing every year. The reason is that the number of prime cows is getting down from year to year. If we do not put a restriction to the slaughter of prime cows, the price of beef will be prohibition, and the question of milk-supply will be a thing of the past. I admit that immediately after such restriction the price of beef will go up, but it will go up only for two or three years. I can assure you that after three years the price of beef will come down. So, Sir, both Hindus and Muhammadans are equally interested in the preservation of prime cows.

Then, Sir, it has been alleged that useless cows are slaughtered; but, as a matter of fact, under the rules prescribed by the Municipal authorities and the cantonment authorities, only young cows and prime cows—animals fit for human food—are allowed to be slaughtered, the old and dry cows being unfit for human consumption are not slaughtered according to the Municipal Act or Cantonment Code. I will not quote the *Quoran*, although I have got a copy of it. The following *fatwa* was issued under the signatures of Moulanas Abdul Hasanat Muhammad, Abdul Hye, Muhammad Abdul Wahab, Muhommad Abdul Hamid and Quazi Muhammad Hasan:—

"Sacrifice of cow is not necessary. If a person gives it up——."

Mr. PRESIDENT: Order, order! You are not in order in quoting these things.

Babu AMULYA DHONE ADDY: All right Sir, I will omit it. Then Sir, slaughter of cows—not only prime cows but old cows too—has been prohibited in Kashmir, Mysore and Baroda. It may be said that these places are ruled by Hindus; but what about Afghanistan? When the Amir came to Delhi, he issued orders that slaughter of cows should not be allowed even during the time of Bakr-Id. In Hyderabad, by legislation, the Muhammadan Government has prohibited the slaughter of cows, and the same thing has been done by the several local authorities; but it is most regrettable——

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur: On a point of order, Sir. In the resolution he does not want to put any restriction in regard to religious ceremonies and festivals, but now he is talking about these things.

Mr. PRESIDENT: I have already called him to order.

Babu AMULYA DHONE ADDY: Under the Act of 1915 enacted by the Government of the Central Provinces, all cows are prohibited to be slaughtered. All pregnant animals and all cows and all calves are not allowed to be slaughtered, and I hope and trust that this Council as well as this Government, in which I have the greatest confidence, will follow the path laid down by the Government of the Central Provinces. I would here draw attention to the opinion of a person who has studied this question thoroughly—I mean Mr. Isa Tweed: "I have said that it is a great loss to the country and a crime to allow good cows to go to the butcher. The Government and Municipalities should step in to prevent good cows being slaughtered." Then I will draw attention to the opinion of a personage in whom both the Hindus and the Muhammadans have the greatest confidence—I mean Mahatma Gandhi. He says: "I hold the question of cow protection to be not less momentous, but in certain respects even of far greater moment than that of Swaraj. Swaraj would be devoid of all meaning so long as we have not found out a way of saving the cow. Cow slaughter and man slaughter are, in my opinion, two sides of the same coin." I think I have been able to explain to the House that it is most advisable to prevent or at least to materially restrict the slaughter of calves as well as prime cow. My sole object is not only to reduce the price of milk with a view to reduce infant mortality, but also to reduce the price of beef though in course of time. A large number of cattle die unnatural deaths in Bengal due to the want of proper medical treatment. Sir, how many veterinary dispensaries are there in Bengal? You will be astonished to hear that in the Report of the Veterinary Department for 1921-22 it is stated that there were only 39 dispensaries and in 1924 only 41, an increase of two only! Take the case of Calcutta. Is there a single veterinary charitable dispensary in Calcutta, although the Corporation of Calcutta under

the Act of 1923 has been specially authorised to incur necessary expenditure for the establishment and maintenance of such dispensaries? I admit, Sir, that within the boundaries of greater Calcutta we have got a Veterinary Hospital at Belgachia, but it is not a free institution. I have explained above that, with a view to reduce infant mortality not only amongst the Hindus but also amongst the Muhammadans— because the rate of mortality among Muhammadan children is higher, and our Muhammadan brethren are equally interested in it—calves and prime cows should be preserved so that milk may be cheapened. It is not a religious question, but a purely economic one, and I hope and trust that my Mussulman brothers will kindly accept it, and Government also will do so.

Maulvi SAYYED SULTAN ALI: There are people in the Hindu community who want to stop cow-killing on some pretext or other. The hon'ble mover wants to-day to stop the slaughter of prime cows and calves only, to-morrow another will propose to stop slaughter of able-bodied cattle, and the day after to-morrow another will come forward to stop it altogether. The mover has adopted the slow process of stopping it.

It must be borne in mind that once the principle is accepted, it will be impossible afterwards to refuse its further extension.

If religious sentiment of any community has anything to do with the question of cow-killing, I wonder how can the point be urged with even a semblance of reasonableness. The Hindus used to kill cows for the purpose of their consumption in early times as much as the Mussalmans and the Christians did. Afterwards, the Hindus have given it up, but on the other hand the Mussalmans and the Christians have been continuing the practice as before. When that is the position, there cannot be any objection to cow-killing on that score.

Sir, if the question has anything to do with the improvement of cattle and increase in its number, I must say that the proposal of the mover is not the way to do that. For that purpose the breeding should be improved, adequate pasture land should be provided in the country and the cattle disease should be successfully dealt with. In support of my contention I may point out that in European countries the number and quality have been greatly improved without stopping cow-killing.

The decrease if any there be in the number is due not to slaughter, but to cattle disease. The number that die of disease in one year is not consumed in a dozen of years. Sir, the mover has lost sight of some other important aspects of the question. As soon as the quantity of flesh decreases in the market, there will be a corresponding rise in the prices of other kinds of flesh and some rise in the prices of fish also, and the result will be that the people at large will suffer

generally and the poor Mussalmans and Christians in particular, as they will have to go on without flesh, and they will suffer very greatly for want of nourishing food if not die altogether. The condition of the poor Hindus will be similar for want of fish, although they may go on for some time with vegetables. The mover has said that the prices of rice have gone up for cow slaughter. He is entirely mistaken. If anybody is responsible for the rise in the prices of rice it is the mover and his co-business men who export rice to foreign countries. Sir, I am surprised to see that the love of the hon'ble mover is greater for animals than for men.

Sir, there is another aspect of the question. If adequate facilities be given to the people of this country to increase the number and improve the quality of cattle, the export trade business carried on by a section of the Hindus will also increase and it will bring in more wealth to our country. The hon'ble member has not touched the question of export of cattle, as if that does not decrease the number. If cattle of this country may be utilised for consumption of the people of foreign countries, I do not see any reason why it will not be utilised in our country.

In this connection I must add that cow-killing should not be stopped by any legislation. If the Government do it, it will certainly interfere with the lawful rights of the Mussalmans and the Christians for which there is absolutely no justification.

With the above remarks I oppose the resolution with all the emphasis that I can command.

Babu DEBI PROSAD KHAITAN: Mr. President, Sir, one portion of the speech of my friend, Maulvi Sultan Ali, has greatly amused me. When he says that the rise in the price of rice is due to merchants like my friend, Mr. Addy, he betrays a crass ignorance I may say of the science of currency and similar matters. If my learned friend had studied this subject, he would have known that the reason of the rise in the price of rice lies in a completely distinct atmosphere from the export business carried on by Messrs. Addy & Co. However, this question is different to the question now before us to-day. Mr. Addy has brought forward this resolution in order that the slaughter of calves and prime cows only may be prohibited or materially restricted, except in religious ceremonies or festivals; they set right any feeling that there may be lurking in the minds of my Muhammadan friends that it is for religious reasons that Mr. Addy has brought forward this resolution. It is quite true that in common with Mr. Addy the 22 crores of Hindus inhabiting India would like to see—either by consent or even by legislation if necessary—the total slaughter of cows, calves, bullocks or bulls in any form or shape whatsoever put a stop to, but the demand that is now put by Mr. Addy is not of that

kind at all. He only requires that the slaughter of calves and prime cows be prohibited or materially restricted and has taken the precaution to add "except in religious ceremonies or festivals." Sir, my experience of the villages of Bihar and Bengal is that where formerly milk was easily available, it is now very difficult to get it there. Villages should be the place where milk should be available in abundance, but I need not go into the reason for this stoppage of the supply of milk. It is necessary for the maintenance not only of Hindus but also of Muhammadans and Christians and people of all denominations, not only for feeding infants but also for people of grown-up ages and also for invalids and sick people. If milk is not available, it is very difficult to rear up children, very difficult to feed invalids and to give proper food to the sick in their beds. Sir, this resolution has been brought forward merely for economic reasons, and I do hope that—notwithstanding the present communal tension in this province—my Muhammadan friends and the Government will see that the spirit in which the resolution has been moved is for the common benefit both of the Hindus and the Muhammadans, as well as of the people of other denominations. In these circumstances, I do hope that this modest resolution will be accepted by this House. My friend, Maulvi Sultan Ali, has stated that this will prove to be the thin end of the wedge. I do not see, why, if subsequent advances are made in this matter, my Muhammadan friends cannot come forward then and object if their religious propensities are in any way encroached upon. That will be the proper time to oppose any advance, but as the resolution as it stands to-day does not encroach upon their religious propensities and feelings, I do not see why on economic grounds they should not join hands with the Hindus in this matter of the preservation of calves and prime cows in order that the supply of milk may be made plentiful and available to the people.

As regards the second part of the resolution, even Maulvi Sultan Ali has not the slightest opposition to it.

In these circumstances, if the Government cannot see their way to accept the whole resolution which I hope it will, I hope it will certainly take steps for the establishment and maintenance of an adequate number of veterinary dispensaries in Bengal.

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur: Sir, I have heard with interest the speech made by my friend Babu Amulya Dhone Addy, the mover of the resolution. He is very keen in the matter of the improvement of cattle and their well-being, and so deserves well of the public for this his kind solicitude for the welfare of dumb animals.

The question of prohibition of slaughter of calves and prime cows, however, is beset with serious difficulties, and there are already strong

feelings in evidence on this matter. I would, therefore, have avoided a discussion of the matter altogether, if I could help it, at the present moment which is not at all opportune. In any case, I am concerned with the question from its agricultural point of view, and shall deal with that aspect of the case.

Sir, the existing laws under which the slaughter of cows is regulated in the mufassal Municipalities will be found in the Bengal Municipal Act and the Bengal Municipal (Slaughter Houses and Meat Markets) Act. There are also provisions in the Calcutta Municipal Act on the subject. Control in the matter, however, lies with the local authorities concerned, within the powers conferred on them by statute, and it is up to them to take action for the regulation of slaughter of cows within their jurisdictions. It is no part of Government's business to interfere in the matter, provided action is restricted to lawful powers. I need hardly add that the prohibition of slaughter of animals is not within the competence of Municipalities or other local authorities, and Government cannot support any proposals tending in that direction.

As I have already remarked, however, we are mainly concerned with the agricultural aspect of the question. The slaughter of calves and prime cows is certainly wasteful, but there is no evidence that such slaughter is largely resorted to and that it has any adverse effect economically. In his report on the census of cattle taken in 1912, Mr. Blackwood made a detailed and careful survey in regard to the position of cattle in Bengal. The census figures showed that for 100 human beings in Bengal there were 56 head of cattle, which doubled the head of cattle in the British Isles. Although the conditions are widely different, it is clear that numerically cattle in Bengal are not insufficient. On the other hand, the deterioration in the quality and milk yield of cows is largely due to climatic and economic causes. It also appears from the report that although prime cows, *i.e.*, cows under 7 years of age and fit for breeding, form a portion of horned cattle slaughtered in Calcutta, the old and worn-out animals are generally sold and picked up in the mufassal by butchers. It is also a frequent practice in certain districts to employ dry cows for ploughing. From the above it is clear that the slaughter of cows as at present practised does not seriously affect agriculture and causes very little economic loss, if any. On these grounds I oppose this part of the resolution.

As regards the second part of the resolution relating to the establishment and maintenance of an adequate number of veterinary dispensaries in the Presidency, I have not much to say. The present policy of Government is to establish a veterinary dispensary at every district and subdivisional headquarters, mostly through the agency

and at the cost of local bodies. There are at present 43 dispensaries in existence in Bengal. The progress is admittedly very slow, but as the matter rests entirely with the local bodies, all that Government can possibly do is to impress upon them the importance of establishing these dispensaries as is done from time to time. I may, however, add that these dispensaries are not charitable institutions, only persons with an income below Rs. 50 a month being allowed free treatment of their cattle.

Babu AMULYA DHONE ADDY: I am really very sorry that my esteemed friend, Mr. Sultan Ali, has objected to it. From what I gather from his speech it seems to me that suspicion is lurking in his mind. He is under the impression that if my resolution is passed today, I shall bring forward another resolution at the next session to the extent of the prohibition of all cows and bullocks. Sir, I can assure my hon'ble friend that this is far from truth, and that I have moved this resolution not as a Hindu but as an Indian. It has been alleged that Hindus used to eat beef in pre-historic days. Sir, I know our *Rishis* took beef where there had been scarcity of food. But, Sir, the present economic condition of India and that of the pre-historic days is as wide as the Poles. Sir, I have brought forward this resolution entirely in the interest of both Hindus and Muhammadans. Is it not a fact that the rate of infant mortality is very high amongst our Muhammadan brethren than among Hindus? Have I not convinced you about this regrettable state of affairs with facts and figures?

Then again it has been stated that the price of beef will go up. No doubt it will, but that will only be for two or three years and not more. My object is also to make it as cheap as possible. My friend, Mr. Sultan Ali, thinks that beef is a very nourishing food. May I ask you, Sir—Is milk less nourishing than beef?

Maulvi SAYYED SULTAN ALI: I never said that.

Mr. PRESIDENT: Please go on, Mr. Addy.

Babu AMULYA DHONE ADDY: Medical experts have given verdict that milk is the most nourishing of all the necessaries of life, and that beef is injurious to health. I am really sorry to find that the Hon'ble Member, who is in charge of Agriculture, has opposed it. He says that the question of prohibition of the slaughter of calves and prime cows is best with serious difficulties. But I do not find any difficulty in the matter. Is he in charge of the portfolio of the Department of Agriculture? Is it not his primary duty to develop agriculture and, to do it, the preservation of cattle is of the utmost

necessity? Is it not a fact that even under the Calcutta Municipal Act of 1923 and, notwithstanding the recommendation of the Select Committee of this Council, this Council had rejected the proposal in connection with the prohibition of the slaughter of cows? Is it not a fact that the Calcutta Corporation strongly recommended that the slaughter of cows should be prohibited altogether, not only prime cows but all cows? Then, Sir, my hon'ble friend has referred to the learned note of Mr. Blackwood. I admit that in foreign countries there is no legislation for the prohibition of the slaughter of cows. We must all bear in mind that India is out and out an agricultural country, and as such cattle play the most important part in the development of agriculture. In Europe horses take the place of cattle for the purposes of agriculture There in those countries immense use of machinery and implements is taken advantage of for the purposes of agriculture, and here in India bullocks are used for similar purposes. I am sorry that the Hon'ble Member in charge could not see his way to accept my resolution which is, after all, a very modest one. Sir, I have moved this resolution not from any religious point of view, but entirely from the point of view of economy. Sir, the Hon'ble Nawab Bahadur has referred to the existence of strong feeling against the proposal. Sir, 22 crores of Hindus are wholly against the slaughter of cows. I, therefore, hope and trust that the House will support the resolution.

Mr. PRESIDENT: This resolution of Babu Amulya Dhone Addy raises two distinct issues. Therefore, I should like to divide it into two parts and put them to the House separately.

The motion that the slaughter of calves and prime cows be prohibited or materially restricted, except in religious ceremonies or festivals, was then put and lost.

The motion that early steps be taken for the establishment and maintenance of an adequate number of veterinary charitable dispenseries in Bengal, was then put and agreed to.

The following motions were called but not moved, and were deemed to be withdrawn:—

Babu MAHENDRA NATH MAITY: "This Council recommends to the Government that immediate steps be taken for granting to the local bodies of this province, or their Chairmen or Vice-Chairmen, copies of all such letters, whether they are demi-official or not, of the District Magistrates and the Commissioners of this province, to their immediate superiors, as concern the said local bodies or their Chairmen or Vice-Chairmen as such."

Mr. MAHBUBUL HUQ: "This Council recommends to the Government that a Committee consisting of—

(*a*) the Hon'ble Member in charge of the Department of Revenue (Jails) Branch;

(*b*) Mr. W. S. Hopkyns, O.B.E., M.L.C.;

(*c*) Babu Naliniranjan Sarker, M.L.C.;

(*d*) Mr. Kiran Sankar Roy, M.L.C.;

(*e*) Babu Bejoy Krishna Bose, M.L.C.;

(*f*) Maulvi Zannoor Ahmed, M.L.C.; and

(*g*) the mover;

be formed to inquire into the grievances of the Assistant Jailors in Bengal and to advise what remedial measures should be adopted."

SHAH SYED EMDADUL HAQ to move, by way of amendment, that in the above motion, line 9, for the word "and" the words "Sir Abd-ur-Rahim, K.C.S.I., and" be substituted.

Maulvi RAJIBUDDIN TARAFDAR rose to move resolution No. 25 standing in his name.

Mr. PRESIDENT: I do not think there is time to take up and finish this resolution as the adjournment hour has nearly been reached.

Adjournment.

The Council was then adjourned till 3 P.M. on Monday, the 12th July, 1926, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Monday, the 12th July, 1926, at 3 P.M.

Present:

The Hon'ble the President (Kumar SHIB SHEKHARESWAR RAY) in the Chair, the four Hon'ble Members of the Executive Council and 103 nominated and elected members.

Starred Questions

(to which oral answers were given).

Looting of shops during Calcutta riots.

*5. **Mr. H. S. SUHRAWARDY:** Will the Hon'ble Member in charge of the Police Department be pleased to state—

(*i*) how many shops of

(*a*) Hindus,

(*b*) Muhammadans

have been looted in the jurisdiction of the following thanas:—

Burrabazar, Jorasanko,
Jorabagan, Sukea Street, and
Bowbazar;

(*ii*) how many shops of Muhammadans were looted in Khengrapatty;

(*iii*) what is the number of the shops referred to in (*ii*);

(*iv*) how many of the cases mentioned in (*ii*) are entered in the diary of the Burrabazar thana?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. L. Birley): (*i*) Burrabazar Hindu, 10; Muhammadan, 35. Jorabagan Hindu, 4; Muhammadan, 39. Jorasanko—Hindu, 65; Muhammadan, 31. Sukea Street—Hindu, 1; Muhammadan, 4. Bowbazar—Hindu, 30; Muhammadan, 9.

(*ii*) Four.

(*iii*) Nos. 23/1, 47, 53 and 101.

(*iv*) None of the owners lodged any complaint at the police-station.

Looting of shops in Khengraputty.

*6. **Mr. H. S. SUHRAWARDY:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state how many Hindus have been arrested at the instance of the police on a charge of looting the shops of Muhammadans in Khengraputty within the Burrabazar thana during the recent Calcutta riots?

(*b*) Is the Hon'ble Member aware that—

(*i*) the shops were looted on three successive days;

(*ii*) the looting lasted for several hours at a time;

(*iii*) the safe of one of the shops (No. 53) took more than three hours to break open;

(*iv*) the safe remained in the lane for several weeks without being removed; and

(*v*) goods worth over Rs. 6,00,000 were looted from these shops?

The Hon'ble Mr. L. BIRLEY: (*a*) Fifteen Hindus were sent up for trial and convicted.

(*b*) (*i*) to (*iv*) I have no information to this effect. The suggestions are unlikely in view of the fact that there were constant police patrols operating in this area.

(*v*) Government have no knowledge of the actual loss incurred.

Death of Haji Ahmed Peshawari in the Jorabagan lock-up.

*7. **Mr. H. S. SUHRAWARDY:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether it is a fact that Haji Ahmed Peshawari died of suffocation in the lock-up at Jorabagan in May last?

(*b*) Is it a fact that after his death the other prisoners in the lock-up created a great deal of confusion and they were thereupon distributed to other places?

(*c*) Is it a fact that practically all the prisoners in the lock-up were Muhammadans?

(*d*) Is the Hon'ble Member aware that all the conveniences for water, latrine, water-closet, are all within the lock-up and that the stench and filth are normally unbearable and particularly so on a hot day?

(*e*) Is it a fact that the prisoners in the lock-up are fed in the lock-up?

(*f*) Is it a fact that the prisoners in the lock-up are under-trial prisoners who have not been found guilty as yet in a court of law?

The Hon'ble Mr. L. BIRLEY: (*a*) Haji Ahmed Peshawari was suddenly taken ill at about 2 P.M. on 26th May, 1926, in the North Town Divisional lock-up in circumstances which show that he was feeling the heat. The day in question was a very hot one. He died in the ambulance while being removed to hospital. The verdict of the jury at the inquest held on 9th June, 1926, was that death was due to heart failure from natural causes. The *post-mortem* report shows that his heart was slightly enlarged and that the valves had thickened. The lock-up is designed to accommodate 18 persons. On the day in question there were 15 persons, including the deceased.

(*b*) No.

(*c*) Yes.

(*d*) It is a fact that all the conveniences are within the lock-up. There is direct ventilation west, east and south, and a sweeper is in constant attendance.

(*e*) Yes.

(*f*) Yes.

Calcutta Police Force.

***8. Mr. H. S. SUHRAWARDY:** Will the Hon'ble Member in charge of the Police Department be pleased to state how many Hindu, Muhammadan, European and Anglo-Indian Inspectors, Sub-Inspectors and Head Constables are serving in the Calcutta Police force?

The Hon'ble Mr. L. BIRLEY: A statement is laid on the table.

Statement referred to in the reply to Starred Question No. 8, showing the strength of rank and file of the Calcutta Police Force from Inspectors downwards on the 31st December, 1925, by communities.

	European.	Anglo-Indian.	Hindu.	Muhammadan.	Total.
Inspectors	18	4	26	8	56
Sub-Inspectors ..	3	2	73	29	107
Sergeants	77	68	..	..	145
Assistant Sub-Inspectors ..	..	..	100	45	145
Head Constables ..	..	..	300	105	405
Constables	..	..	3,296	969	4,265

Narayanganj Municipality.

*9. **Mr. TARIT BHUSAN ROY:** (*a*) Will the Hon'ble Member in charge of the Local Self-Government Department be pleased to state whether fresh elections have been held in the Narayanganj Municipality?

(*b*) If not, what dates, if any, have been fixed for such elections?

MEMBER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur of Nadia): (*a*) No; it was only recently that the Civil Court set aside the general election and ordered a fresh election.

(*b*) According to the latest information available, no date has been fixed yet, but orders will be issued shortly.

Licenses for Firearms.

*10. **Babu DEBI PROSAD KHAITAN:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state—

(*i*) how many applications were made in Calcutta for licenses for firearms since the 15th April, 1926;

(*ii*) how many of them were made by Bengali Hindus, Marwaris and others; and

(*iii*) how many of them were granted to the members of each such class?

(*b*) Is it a fact that a large number of Hindu citizens whose applications were refused were qualified under the rules for the grant of such licenses?

(*c*) Will the Hon'ble Member be pleased to state on what principle licenses have been refused to Hindus referred to in (*b*)?

(*d*) Did not the Government of India give any undertaking that people qualified under the rules would be granted licenses?

The Hon'ble Mr. L. BIRLEY: (*a*) (*i*) 1,019 from 2nd April to 30th June.

(*ii*) Hindus, 844: Muhammadans, 65: Others, 110.

(*iii*) Hindus, 322: Muhammadans, 29: Others, 80.

(*b*) Many of them had qualifications which have been laid down as ordinarily rendering an applicant suitable for grant of a license.

(*c*) The principle was not to allow Calcutta to be flooded with arms at a time when they were likely to be used indiscriminately

in communal outbreaks. All cases were carefully examined, and the necessities of particular areas were borne in mind.

(*d*) No. They laid down that the grant of licenses should be less restricted and more free from irksome enquiries, but expressed at the same time their agreement with the recommendation of the Committee that the Local Government should have the discretionary power of restricting licenses in any area in which such restriction is deemed necessary for the maintenance of public tranquillity.

Shree Vishuddhananda Saraswati Vidyalaya.

*11. **Babu DEBI PROSAD KHAITAN:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether it is a fact that an application made on behalf of Shree Vishuddhananda Saraswati Vidyalaya for license has not been granted?

(*b*) Is the Hon'ble Member aware that the said Vidyalaya is the premier school in Calcutta, imparting education through Hindi to about 800 students, and is affiliated to the Calcutta University, but is situated in a dangerous locality?

(*c*) Is the Hon'ble Member aware that on account of a sense of insecurity, the attendance of boys has fallen down to an average of 145?

(*d*) Will the Hon'ble Member be pleased to state what steps he proposes to take for ensuring the safety of the boys and of the property of the school?

The Hon'ble Mr. L. BIRLEY: (*a*) Yes.

(*b*) I am aware that it is an important school.

(*c*) Government have no information.

(*d*) In the opinion of the Commissioner of Police the lives of the boys and the property of the school are secure, and the police are able to afford the necessary protection.

Babu DEBI PROSAD KHAITAN: Is the Government aware that since the question was sent, the school was actually attacked by a mob of 500 Muhammadans?

The Hon'ble Mr. L. BIRLEY: I was not aware of that.

Babu DEBI PROSAD KHAITAN: If the statement proves to be true, is the Government prepared to reconsider the application?

Mr. PRESIDENT: That's rather an argumentative way of putting it.

Babu DEBI PROSAD KHAITAN: May I put it in this way?—Is the Government prepared to consider the advisability of reconsidering the application made by the school, in view of the fact of certain events having occurred after the question was sent?

The Hon'ble Mr. L. BIRLEY: I am not prepared to answer a hypothetical question.

Dead and wounded Muhammadans during Calcutta riots.

*12. **Mr. H. S. SUHRAWARDY:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether it is a fact that during the first and second phases of the Calcutta riots many Muhammadans were—

(*i*) treated in the Muslim Relief Hospitals;

(*ii*) buried from the mosques without being sent to the morgue; and

(*iii*) killed and thrown into the river?

(*b*) Have the Government kept a record of persons and bodies referred to in (*a*)?

The Hon'ble Mr. L. BIRLEY: (*a*) (*i*). Yes.

(*ii*) and (*iii*) Government have no information.

(*b*) No, but as far as has been ascertained 242 persons were treated in temporary Muslim Hospitals and by Muslim doctors.

Number of persons sent up during Calcutta riots.

*13. **Mr. H. S. SUHRAWARDY:** Will the Hon'ble Member in charge of the Police Department be pleased to state—

(*i*) how many Hindus and how many Muhammadans have been sent up during the Calcutta riots in respect of the following sections—sections 302, Indian Penal Code (Murder), 304, Indian Penal Code, 324, 325, 326, Indian Penal Code, 143, 145, 147, 148 and 188, Indian Penal Code, 395, Indian Penal Code (Dacoity), 411, Indian Penal Code (Receiving Stolen Property), 54, Criminal Procedure Code (Suspicion), and 54A, 32A, 62A, 54A, and 68 of the Calcutta Police Act (Petty cases); and

(*ii*) how many have been convicted?

The Hon'ble Mr. L. BIRLEY: A statement is laid on the table.

Statement referred to in the reply to starred question No. 13, showing the number of Hindus and Muhammadans sent up under certain sections of law and convicted.

Section of Law.	Sent up—		Convicted—		Pending trial.	
	Hindu.	Muhammadan.	Hindu.	Muhammadan.	Hindu.	Muhammadan.
302, I. P. C.	11	80	Nil	19	8	59
304, I. P. C.	Nil	Nil	Nil	Nil	Nil	..
324, I. P. C.	17	5	8	2	6	..
325, I. P. C.	3	Nil	Nil	Nil	8	..
326, I. P. C.	Nil	Nil	Nil	Nil	..	..
143, I. P. C.	12	98	2	58	10	32
145, I. P. C.	7	Nil	7	Nil	..	..
147, I. P. C.	7	84	5	23	2	60
148, I. P. C.	18	143	Nil	Nil	All pending.	
188, I. P. C.	22	2	22	2	..	..
395, I. P. C.	2	35	Nil	11	2	5
411, I. P. C.	4	3	3	1	..	..
54, C. P. C.	Nil	Nil	Nil	Nil	..	..
54A-iv-66	45	5	45	5	..	..
32A-iv-66	2	9	2	8	..	..
62A-iv-66	11	6	8	4	Nil	1
68-iv-66	66	93	66	92	..	..

Killed and wounded during Calcutta riots.

*14. **Mr. H. S. SUHRAWARDY:** Will the Hon'ble Member in charge of the Police Department be pleased to state how many Muhammadans and how many Hindus have been killed and wounded during the first and second phases of the Calcutta riots, according to the official figure?

The Hon'ble Mr. L. BIRLEY: A statement is laid on the table.

Satement.

1st phase—

Muhammadan (killed)	...	19
Muhammadan (wounded)	...	238
Hindu (killed)	...	24
Hindu (wounded)	...	327

2nd phase—

Muhammadan (killed)	...	31
Muhammadan (wounded)	...	213
Hindu (killed)	...	30
Hindu (wounded)	...	172

Killed and wounded in certain thanas during Calcutta riots.

*15. **Mr. H. S. SUHRAWARDY:** (a) Will the Hon'ble Member in charge of the Police Department be pleased to state how many Hindus and Muhammadans were killed and wounded in the first and second phases of the riots, according to the official figures, in the jurisdiction of the following thanas:—

Jorabagan,
Burrabazar,
Jorasanko,
Sukea Street,
Bowbazar,
Watgunge?

(b) How many Hindus and Muhammadans have been arrested in respect of the incidents referred to in (a), thana by thana, respectively?

The Hon'ble Mr. L. BIRLEY: (a) Information is not available thana by thana. Figures showing the total of killed and injured in the two periods of rioting are given in the reply to starred question No. 14.

(b) Information is not available.

Persons receiving injuries during Calcutta riots.

*16. **Mr. TARIT BHUSAN ROY:** (a) Will the Hon'ble Member in charge of the Police Department be pleased to state—

(i) how many persons have died in consequence of injuries caused to them during the communal riots which broke out in Calcutta in the months of April and May, 1926;

(ii) how many persons were sent to hospital and were discharged after recovery on such occasions as mentioned in (i); and

(iii) how many of them were—

(a) Muhammadans,
(b) Hindus,
(c) Sikhs,
(d) Christians?

(b) Is it a fact that several women were belaboured by roughs during such riots in Calcutta?

The Hon'ble Mr. L. BIRLEY: (*a*) (*i*) 110.

(*ii*) The total number of persons admitted to the hospitals and discharged was 975.

(*iii*) (*a*)—451, (*b*) and (*c*)—499, and others—25.

(*b*) Government have no information to this effect.

Unstarred Questions

(answers to which were laid on the table).

Agriculturists of Diamond Harbour subdivision.

16. Babu AMULYA DHONE ADDY: (*a*) Has the attention of the Hon'ble Member in charge of the Department of Revenue (Land Revenue) been drawn to the condition of the agriculturists of the Diamond Harbour subdivision of the district of the 24-Parganas on account of the partial failure of the rice crop during the last year?

(*b*) If so, will the Hon'ble Member be pleased to state what steps the Government propose to take for helping the said people with gratuitous relief or advance loans under the Agricultural Loans Act?

MEMBER in charge of DEPARTMENT of REVENUE [LAND REVENUE] (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur of Nadia): (*a*) No.

(*b*) There has been no demand for gratuitous relief; funds for agriculturists' loans are at the disposal of the Commissioner and Collector. Government do not propose to take any special action

Complaints during Calcutta riots.

17. Hadji M. A. K. ABU AHMED KHAN CHOWDHURY: Will the Hon'ble Member in charge of the Police Department be pleased to state how many complaints have been received by the police or Magistrates of ill-treatment of Muhammadans and Hindus respectively by the police during the period 2nd April to end of May last and what action has been taken departmentally or in court on such complaints?

The Hon'ble Mr. L. BIRLEY: My reply to this question will deal separately with complaints which have been brought before the courts and other complaints. Five cases have been brought before the courts, of which four are pending and one has been disposed of.

Of the four pending cases, three are against one Inspector. In one of them he has been summoned under sections 323, 114, 297, Indian Penal Code, and in the other two under sections 448, 323, 114, Indian Penal Code. The other pending case is against a Sub-Inspector who has been summoned under sections 448, 324, Indian Penal Code. In the case which has been disposed of, the widow of a telegraph peon made a complaint on the 24th May, charging Inspector Khosla of murdering her husband on the 27th April. The Chief Presidency Magistrate, after examining the seven witnesses produced by the complainant, dismissed the complaint under section 203 of the Criminal Procedure Code. He recorded his reasons for believing that the charge was false, and they will be found in the copy of his order dated the 12th June, 1926, which is placed on the table.

The remaining complaints against police officers have not been made in court. They have been made in a variety of ways, some of them to police officers, some in the press, and some direct to Government either verbally or in writing. All possible efforts have been made to reduce these charges to complaints of specific incidents susceptible of investigation, but in most cases this has not been practicable. In many cases complaints have been made by one person on behalf of another and the complainant has not been traced. In other cases the writer of the complaint has not been traceable. It is not possible to enumerate all the complaints owing to the great variety in their degrees of definiteness.

In one case only has the charge been substantiated and four constables were dismissed for being found in possession of property looted from shops. The particulars are given under date April 4th in the extracts from the Commissioner's report on the first period of the riots which were published in the *Calcutta Gazette* of the 10th June, 1926. Particulars of another complaint which was proved to be without foundation are given in the last paragraph but two of those extracts.

A petition purporting to be signed by two Muhammadans and dated the 21st April accused a Hindu head constable of inciting a Hindu mob against the Muhammadans on the 2nd April and of ordering Hindu *goondas* to loot fruit shops on the 3rd April. It was proved that the head constable was not present on the occasion referred to on the 2nd April and the petitioners could not be traced at the addresses given in the petition.

A large number of second-hand complaints were received in connection with arrests which were made on the 27th April in the neighbourhood of Mechua Bazar Street shortly after a serious riot in which a head constable was shot. On that occasion more than 100 persons were arrested, of whom 36 were sent up for trial and the remainder were discharged on the afternoon of the day on which they were

arrested. Those of the people mentioned in these second-hand complaints as having been ill-treated who could be identified were among the persons so discharged, but they did not make complaints themselves. These incidents are related to some of the cases pending in court and Government have no further comments to make on them at present.

Judgment referred to in the reply to unstarred question No. 17.

CHAMANI BIBI

versus

R. D. KHOSLA.

I have examined the seven witnesses produced in the case. Process was applied for Dr. Heramba Chandra Maitra and Mr. S. N. Roy, but Mr. Huq states they only tried to serve that on Mr. S. N. Roy and he refused it on a technical ground. The learned pleader does not want to call these gentlemen, as he admits they were only told about the occurrence the same night or a day or two later.

The witnesses do not tell a credible story. According to them, everything was quiet and peaceful till suddenly a murderous squad of policemen rushed in led by the accused, who at once made for Mamdu, dragged him out and slaughtered him in the courtyard, and then did a dance on his back. The women omit the dance. Prosecution witness No. 2 here says she saw the assault and described it, in the enquiry by the police. She said she did not actually see the assault. Two of the chief witnesses, Alijan and Muhammad Jan, have just been committed to the High Court Sessions, in connection with the riot that day. According to the evidence of the Inspector (accused in this case), they were arrested on the spot with a crowbar and axe respectively. It is interesting to note that the complaint in this present matter was filed on the day the Inspector gave his evidence against these men before the committing Magistrate, *i.e.*, 24th May. It is not hard to seek a motive for the present charge, or why the witnesses are so sure of their one man.

Even taking the story that the assault was done in the courtyard, it is pretty obvious that these people never saw what happened, if they were arrested as they say. All in the *bustees* scuttled away to their own dens to escape arrest and certainly would not be there to look on. Again, had the Inspector murdered the man Mamdu (apparently, according to the witnesses, for no rhyme or reason) and

jumped on his back, it is not likely he would have left him on this spot. Finally, when the doctor went to the place, the only thing that was told him was that "*Sepahi loke mar diya.*" As there had been a considerable riot just previously, which was dispersed by shot and force, it is not unlikely that the man had been struck in a fight with constables. One head constable was murdered and several assaulted then.

The police report shows the conditions of the day on which Mamdu's death occurred: admittedly rioters were chased to some *bustees* and arrested. European officers were there on the spot, but no word of the murderous and unnecessary assault was taken to them. The accused took an active part in the proceedings that day, he arrested several persons in the locality, and claims that he has thereby created enmity against himself in the locality. Then, taking advantage of the fact that this man Mamdu was the only one not killed by gun-shot wound that day, they have tried to implicate him.

The deliberate attempt to implicate the Inspector is only too patent. In the circumstances I do not for a moment believe the story now given out: it bears on its face all the stamp of falsehood. It is evidently mainly put in as a counterblast to the case against Alijan and Muhammad Jan.

I therefore dismiss the complaint under section 203, Criminal Procedure Code.

T. ROXBURGH,

Chief Presidency Magistrate, Calcutta.

The 12th June, 1926

Excise Licenses.

18. Mr. K. C. RAY CHAUDHURI: (*a*) Will the Hon'ble Member in charge of the Department of Agriculture and Industries (Excise) be pleased to state the number of licenses in force for selling *ganja*, opium, country liquor, foreign liquor, and *charas* in Bengal?

(*b*) How many of the licensees are Muhammadans?

MEMBER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES [EXCISE] (the Hon'ble Nawab Bahadur Saiyid Nawab Ali Chaudhuri, Khan Bahadur): (*a*) and (*b*) A statement showing the information asked for is laid on the table.

Statement referred to in the reply to unstarred question No. 18, showing the number of licenses issued under the Excise and Opium Acts in 1926-27 and the number held by Muhammadans.

		Number of licenses in 1926-27.	Number held by Muhammadans.
Ganja	...	1218	106
Opium	...	859	70
Country spirit	...	941	42
Tari	...	538	101
Pachwai	...	1201	8
Foreign liquor	...	230	4
Charas	.	34	7

Circular Canal.

19. Babu HEM CHANDRA NASKER: (*a*) Will the Hon'ble Member in charge of the Department of Irrigation be pleased to state whether he is aware of the bad condition of the water of the Circular Canal and its effect on the health of the places bordering the canal?

(*b*) Is it possible to flush the canal at least once in a fortnight from the Ganges or to make any other arrangement for disinfecting the water of the said canal?

(*c*) Are the Government prepared to make arrangements for the periodical examination of the water of the canal and to publish the result of such examination?

MEMBER in charge of DEPARTMENT of IRRIGATION (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur of Nadia): (*a*) Yes. The condition of the canal water deteriorates in the dry season.

(*b*) No flushing could be done by feeding from the river Hooghly so as to affect the quality of water materially.

(*c*) No.

Rural water-supply.

20. Babu AMULYA DHONE ADDY: (*a*) Will the Hon'ble Member in charge of the Department of Local Self-Government be pleased to state the number of deaths from cholera during the last three years in the rural areas of Bengal?

(*b*) What steps have the Government taken this year for the adequate supply of water for drinking purposes in the said areas?

MEMBER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT [MEDICAL] (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur of Nadia): (*a*) In 1923, 38,661; in 1924, 45,138; in 1925, 31,579.

(*b*) Government have allocated a lump grant of Rs. 2,50,000 among the five Divisional Commisioners for distribution for the purpose, in accordance with principles enunciated in Government order No. 105—09 T. P. H., dated the 11th May, 1925, a copy of which is laid on the library table.

Kanungoes.

21. Babu AMULYA DHONE ADDY: (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state—

(*i*) the period of service after which a Government servant is entitled to get pension; and

(*ii*) the number of Kanungoes serving in the Survey and Settlement Department for more than ten years?

(*b*) Will the Hon'ble Member be pleased to state why the said Kanungoes are not entitled to get any pension?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) (*i*) Ten years for a permanent Government servant.

(*ii*) One hundred and twenty-three Kanungoes, including 18 on deputation to other departments and Cooch Behar State.

(*b*) The posts of the Settlement Kanungoes are temporary.

Alleged importation of up-country goondas during Calcutta riots.

22. Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether it is a fact that more than 3,000 up-country Hindus of the *durwan* class were imported shortly before and during the recent riots from Benares, Mirzapur and other places in the United Provinces and Behar?

(*b*) If the answer to (*a*) is in the affirmative, by whom, on what dates, and for what purposes were they imported?

(*c*) Did the police keep themselves in touch with the movements of these men?

(*d*) Are these men still in Calcutta?

The Hon'ble Mr. L. BIRLEY: Government have information that a considerable number of non-resident Hindus and Muhammadans came into Calcutta during the riots, and that some of them left when it became known that the Presidency Area Security Bill would be introduced. It is quite impossible to estimate the number, but Government think it very improbable that as many as 3,000 up-country Hindus of the *durwan* class were so imported.

Calcutta Police Force.

23. Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: Will the Hon'ble Member in charge of the Police Department be pleased to state how many Hindus, Europeans and Muhammadans there are in the police force of Calcutta of the ranks of—

(*i*) constables; and

(*ii*) other grades?

The Hon'ble Mr. L. BIRLEY: The member is referred to the statement placed on the table in reply to the question asked by Mr. H. Suhrawardy, which shows particulars of all ranks from Inspectors downwards.

Pension of Sub-Registrars.

24. SHAH SYED EMDADUL HAQ: Will the Hon'ble Member in charge of the Department of Education be pleased to state—

(*i*) since when the salary of the Sub-Registrars and Special Sub-Registrars has been made fixed instead of the old free system; and

(*ii*) whether the length of service of Sub-Registrars and Special Sub-Registrars will be counted from the date of their appointment or the time from which their salary had been made fixed, for the purpose of determining the amount of their pension?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur: (*i*) Since 1st October, 1905, both Sub-Registrars and Special Sub-Registrars (now styled Sadar Sub-Registrars) have been paid by fixed salaries. Prior to that date the Special Sub-Registrars were remunerated partly by a fixed salary and partly by commission. Sub-Registrars were paid by commission only.

(*ii*) Service for pension is counted in the case of Special Sub-Registrars from the date of their appointment as such, and in the case of Sub-Registrars from 1st October, 1905, the start of the fixed salary system.

Secondary School Teachers' Provident Fund.

25. Babu HEM CHANDRA NASKER: (*a*) Will the Hon'ble member in charge of the Department of Education be pleased to state whether he is aware of the great disappointment of the teachers of secondary schools for the delay in giving effect to the scheme of Government's contributing to the provident fund of the teachers?

(*b*) Will the Hon'ble Member be pleased to state when the above-mentioned scheme is likely to come into operation?

MEMBER in charge of DEPARTMENT of EDUCATION (the Hon'ble Mr. J. Donald): (*a*) No.

(*b*) The matter is receiving attention but the member is referred to the reply to clause (*a*) of question No. 95 asked by him at the meeting of the Council on the 15th March, 1926.

Proposed City Civil Court for Calcutta.

26. Babu HEM CHANDRA NASKER: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state what steps the Government have taken for the establishment of a City Civil Court in Calcutta which was recommended by the Bengal Legislative Council long ago?

(*b*) If the Government have not taken any steps, will the Hon'ble Member be pleased to state the reason?

(*c*) Do the Government propose to give effect to the recommendation of the Legislative Council?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. L. Birley): (*a*) No steps have been taken to establish a City Civil Court in Calcutta.

(*b*) Opinion on the subject being sharply divided, Government did not think it proper to take any such steps.

(*c*) No.

Allowances of members of the Bengal Legislative Council.

27. Mr. TARIT BHUSAN ROY: Will the Hon'ble Member in charge of the Legislative Department be pleased to state fully—

(*i*) what is the total amount drawn by each of the members of the Legislative Council from the birth of the present Council up to now as allowance for travelling and residence; and

(*ii*) the names of each such member?

MEMBER in charge of LEGISLATIVE DEPARTMENT (the Hon'ble Mr. L. Birley): (*i*) and (*ii*) A statement is laid on the table for the period from 1st January to 30th June, 1926. For the period from 1st January, 1924, to 31st December, 1925, the member is referred to the replies given to unstarred questions Nos. 12, 84 and 108 at the meetings of the Bengal Legislative Council held on the 18th February, 14th August, 1925, and also of the 19th March, 1926, respectively.

Statement referred to in the reply to Unstarred Question No. 27, showing the amount of mileage and daily allowances drawn by each member of the present Bengal Legislative Council from 1st January to 30th June, 1926.

Name of member.	Mileage allowance drawn by each member.			Daily allowance drawn by each member.		
	Rs.	A.	P.	Rs.	A.	P.
Ahamad, Maulvi Asimuddin	767	4	0	430	0	0
Ahmed, Maulvi Tayebuddin	75	9	0	350	0	0
Ahsanullah, Mollah	191	8	0	240	0	0
Ali, Maulvi Sayyed Sultan	203	4	0	230	0	0
Ali, Mr. Altaf	218	15	0	190	0	0
Bagchi, Babu Romes Chandra	209	0	0	150	0	0
Baksh, Maulvi Kader, B.L.	381	12	0	110	0	0
Banerjee, Babu Satya Kishore	279	2	0	....		
Barma, Rai Sahib Panchanan, M.B.E. .. .	396	0	0	200	0	0
Biswas, Mr. Abdul Latif . ..	110	4	0	140	0	0
Chakravarti, Babu Jogindra Chandra	520	0	0	350	0	0
Chakravorty, Babu Sudarsan	227	12	0	180	0	0
Chatterjee, Babu Umes Chandra	26	4	0	220	0	0
Chaudhuri, Maulvi Saiyed Abdur Rob	257	10	0	160	0	0
Chowdhury, Maulvi Fazlal Karim	232	0	0	370	0	0
Corcoran, Mr. B. J.	374	2	0	80	0	0
Das, Dr. Mohini Mohan	404	5	0	130	0	0
Datta, Babu Akhil Chandra	678	15	0	330	0	0
Dey, Babu Boroda Prosad	79	14	0	....		
Doss, Rai Bahadur Pyari Lal, M.B.E.	269	14	0	230	0	0
Faroqui, Khan Bahadur K. G. M.	608	0	0	230	0	0
Gafur, Maulvi Abdul, B.L.	146	4	0	140	0	0
Ghuznavi, Hadji Mr. A. K. Abu Ahmed Khan .	272	12	0	230	0	0
Haq, Khan Bahadur Kazi Zahirul	407	5	0	250	0	0
Hoque, Maulvi Sayeddul	533	8	0	160	0	0
Hossain, Nawab Musharruf, Khan Bahadur ..	282	6	0	440	0	0
Huq, Maulvi Ekramul	127	11	0	240	0	0
Joardar, Maulvi Aftab Hossain	98	0	0	150	0	0
Khan, Babu Debendra Lal	135	0	0	280	0	0
Khan, Maulvi Amanat, B.A.	658	7	0	250	0	0
Khan, Maulvi Mahi Uddin	365	13	0	160	0	0
Lal Mahammed, Haji	350	13	0	250	0	0

Name of member.	Mileage allowance drawn by each member.			Daily allowance drawn by each member.		
	Rs.	A.	P.	Rs.	A.	P.
Mahammad, Maulvi Basar	660	0	0	430	0	0
Maiti, Babu Mahendra Nath	65	4	0	160	0	0
Mitra, Babu Jogendra Nath	154	7	0	250	0	0
Nandy, Maharaj-Kumar Sris Chandra	131	4	0	190	0	0
Neogi, Babu Manmohon	151	14	0	100	0	0
Pahlowan, Maulvi Md. Abdul Jubbar	146	6	0	360	0	0
Quader, Maulvi Abdul	129	6	0	170	0	0
Raikat, Mr. Prasanna Deb	438	6	0	460	0	0
Ray, Babu Abanish Chandra	157	14	0	150	0	0
Ray, Babu Anilbaran	87	14	0	10	0	0
Ray, Babu Nagendra Narayan	396	0	0	250	0	0
Ray Chaudhuri, Mr. K. C.	116	14	0	....		
Roy, Babu Satcowripati	136	2	0	160	0	0
Roy, Raja Maniloll Singh, C.I.E., of Chakdighi ..	98	12	0	192	0	0
Roy Choudhuri, Rai Bahadur Satyendra Nath ..	375	0	0	280	0	0
Salam, Khan Bahadur Maulvi Abdus	58	3	0	350	0	0
Sarkar, Babu Hemanta Kumar	128	10	0	160	0	0
Sarkar, Maulvi Allah Buksh	530	12	0	280	0	0
Sasmal, Mr. B. N.	37	9	0	80	0	0
Tarafdar, Maulvi Rajib Uddin	632	0	0	430	0	0
Travers, Mr. W. L., C.I.E., O.B.E.	315	8	0	180	0	0
Yasin, Maulvi Muhammad	23	9	0	60	0	0

Cattle Mortality and Veterinary Dispensaries.

28. Babu AMULYA DHONE ADDY: (*a*) Has the attention of the Hon'ble Member in charge of the Department of Agriculture and Industries been drawn to the rate of mortality of cattle in this province?

(*b*) Will the Hon'ble Member be pleased to state the total number of Veterinary Charitable Dispensaries in Bengal?

MEMBER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES (the Hon'ble Nawab Bahadur Saiyid Nawab Ali Chaudhuri, Khan Bahadur): (*a*) Yes.

(*b*) The total number of Veterinary Dispensaries in Bengal is 43. These dispensaries are not altogether charitable institutions, as fees are levied according to a prescribed scale, except where *bona fide* cultivators and others, whose income is below Rs. 50 a month, are concerned.

Arrests during Calcutta riots.

29. Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: Will the Hon'ble Member in charge of the Police Department be pleased

to state how many Hindus and Muhammadans, respectively, have been arrested in connection with the recent riots in the Presidency area between April 2nd and the end of May last and charged with—

(*i*) murder;

(*ii*) culpable homicide;

(*iii*) grievous hurt;

(*iv*) rioting;

(*v*) offences under the Police Act; and

(*vi*) disobedience of orders under section 144 of the Criminal Procedure Code?

The Hon'ble Mr. L. BIRLEY: A statement is laid on the table.

Statement of Hindus and Muhammadans arrested and charged for offences specified below between 2nd April to the end of May, 1926, referred to in the reply to Unstarred Question No. 29.

—	Arrested.		Charged.	
	Hindus.	Muhammadans.	Hindus.	Muhammadans.
Murder	81	80	15	80
Culpable homicide ..	..	..	..	..
Grievous hurt .. .	18	14	18	14
Rioting	142	493	42	436
Offences under the Police Act	162	108	150	105
Disobedience of orders under section 144, Criminal Procedure Code.	29	30	29	30

Legislative Business.

Government Bills.

The Howrah Bridge Bill, 1926.

MEMBER in charge of PUBLIC WORKS DEPARTMENT (the Hon'ble Mr. J. Donald): I move that the Howrah Bridge Bill, 1926, as reported by the Select Committtee, be taken into consideration.

Sir, this Bill was introduced in this Council so long ago as August 1924, and it is, I think, therefore perhaps desirable that I should refresh the memory of the members of this Council as regards the proposals now before us.

We are dealing with the question of replacing a bridge which has been in existence for over 50 years. The present Howrah Bridge was built in 1874 and opened to traffic in 1875. It carried on very well till 1909 when the question of a new bridge came up for consideration. From the year 1909 till the present day the question has been a real hardy annual. It is to the credit of the Port Commissioners, who are the Commissioners of the present bridge, that they have managed to keep this bridge up to the present time as a good connection between Calcutta and Howrah. The proposals which really find a place in the Bill now before us are based on the recommendations of two Committees. A Committee was appointed in 1921 under the presidency of Sir Rajendranath Mookherji. That Committee sat to determine the type of bridge. Later a Finance Committee was appointed to determine whether Bengal was able to afford a bridge of the type recommended. It will be in the recollection of the members of this House that the Committee—an Engineers Committee—preferred the cantilever type of bridge. They said that a floating bridge would be but a second best and only but of a temporary measure. They recommended the cantilever type. They rejected the pier type of bridge. There has been some discussion on the question of the pier bridge however, lately, and a suggestion has been made that we might make experiments with piers in the river to determine whether these are possible. The objection to the pier bridge is that it may be fraught with great danger to the river. The Port Commissioners have strongly objected, and there is also engineering opinion against a pier bridge in the river. Some still say that we might make experiments—Engineers have said so—to see whether there is any risk. I may explain why we do not intend making such an experiment. In the first place, an experiment to determine the effect of piers in the river would require at least 7 or 8 years. The present Howrah Bridge will, however, be out of use long before that time. We cannot wait for 8 years. The question involved is not one of the possible danger to a pier bridge itself, nor is it even that of the jetties. The currents, the tides, the whole flow of the river widen the field of danger and the river may be affected miles away from the bridge. As it is not round these piers that the river will be affected, the danger is that the docks as well may be affected and even further up the river, owing to the interference of the piers and the effect they may have on the currents of the river. Now, if by these piers any damage was caused or threatened to be caused, we would have to take these piers out at once. Well, these piers would be roughly 150 ft. in width, and there would have to be

two or three piers, all causing obstruction in the river. It will be realised that it would be no easy task to remove these piers quickly on signs of danger and prevent the damage. Moreover, it is quite likely that the damage may have already been done when the signs of danger first appear. The risk, therefore, is enormous, and we have, therefore, come to the conclusion that we should not attempt an experiment with piers. The risk is far too great, even apart from the fact that there is no time to make an experiment before the present bridge has to be replaced.

The Bill, as put before the House originally, was based on the recommendation of Sir Rajendranath Mookherji's Committee for a cantilever bridge. It was supported by the Finance Committee as to the ability of Calcutta to finance a bridge of that type. The Select Committee, as will be seen from their report, came to the conclusion that it was far too expensive for Calcutta to have a cantilever bridge, and they decided upon having a bridge of the cheapest type possible, and, therefore, we are back again on what Sir Rajendranath Mookherji's Committee considered the second best, namely, a floating bridge. But if we are to have a floating bridge, it must be something better than the present floating bridge. At any rate, we must arrange for an advance on that bridge, and the proposals now before the House provide for a bridge slightly over twice the width of the present bridge.

In order to borrow money for a bridge of this sort, we have to provide for loan charges of Rs. 12 lakhs per annum. Over and above that charge, there is the charge for maintenance which is estimated at about Rs. 3 lakhs a year. In other words, we have to provide for an annual expenditure of Rs. 15 lakhs in order to construct an adequate bridge over the Hooghly, even of the floating type.

As soon as this Bill is passed, the next step will be to call for tenders and subsequently to proceed with the actual construction of the bridge. Some repairs have been effected to the present bridge which will enable it to carry on till about the time the new bridge can be constructed. Therefore, it is imperative that we should get through this Bill either to-day or to-morrow and get to work as soon as possible. We are not at all rushing this Bill—it has had a leisurely progress. It was introduced two years ago, put before the Select Committee a year ago, the Select Committee sat on it for six months, the report was published on the 1st April last and now it is before the Council, and I would ask that it be taken into consideration now.

The following amendment was not moved:—

Mr. P. N. GUHA to move, by way of amendment, that the Bill as reported by the Select Committee be recommitted to the Select Committee, without limitation, with instructions to submit a fresh report for consideration in the August session of the Bengal Legislative Council—quorum to be five.

The motion that the Bill be taken into consideration was then put and agreed to.

Clause 1A.

Mr. PRESIDENT: The question is that clause 1A stand part of the Bill.

The Hon'ble Mr. J. DONALD: I beg to move that to sub-clause (2) of clause 1A, the following be added, namely:—

"and for such purposes may be disposed of by the Commissioners in such manner as they think fit," and

that clause 1A as so amended be inserted as clause 3A.

This is really a drafting amendment, in order to make sure that the Commissioners have adequate powers to deal with the old bridge when the new bridge is constructed.

The motion was put and agreed to.

Mr. PRESIDENT: The question is that clause 1A, as amended, stand part of the Bill.

The motion was put and agreed to.

Clause 2.

The following motion was called but not moved:—

Babu AMULYA DHONE ADDY to move that in clause 2 (3) after the word "Gazette" the words "and in local newspapers" be inserted.

Mr. PRESIDENT: The question is that clause 2 stand part of the Bill.

The motion was put and agreed to.

Clause. 3.

Mr. PRESIDENT: The question is that clause 3 stand part of the Bill.

Dr. PRAMATHANATH BANERJEA: I move that for clause 3 (3) the following be substituted, namely:—

"(3) There shall be sixteen Commissioners, namely:—

(i) the Chairman of the Commissioners for the new Howrah Bridge, *ex-officio*,

(ii) the Chief Executive Officer, Calcutta Corporation, *ex-officio*,

(iii) the Chairman, Calcutta Improvement Trust, *ex-officio*,

(iv) the Chairman of the Commissioners for the Port of Calcutta, *ex-officio*.

(v) the Agent, East Indian Railway, *ex-officio*,

(vi) two Commissioners elected by the Calcutta Corporation,

(vii) two Commissioners elected by the Commissioners for the Port of Calcutta,

(viii) two Commissioners elected by the Bengal Chamber of Commerce,

(ix) two Commissioners elected by the Bengal National Chamber of Commerce,

(x) one Commissioner elected by the Howrah, Tollygunge and South Suburban Municipalities, and

(xi) two Commissioners nominated by the Government."

Sir, the reasons which have prompted me to move this amendment are the following: In the first place, the Port Commissioners of Calcutta are not a representative body. It is an accepted principle of taxation that those who pay the tax are entitled to have a voice as to the way the tax is spent. But, Sir, in this case it is proposed by the Hon'ble Mr. Donald that the Calcutta Corporation and the South Suburban and other municipalities, which will have to pay the tax as well as the general public of Bengal, be deprived of having any voice in the management of the new bridge. This, I think, is a fatal defect in the Bill. Besides this, there are several other points which I may urge in favour of my amendment. The Port Commissioners are a body who are not responsive to public opinion. A great deal has been said about the wasteful expenditure in which they often indulge. Another complaint is that Indian talent is to a large extent excluded by this body. Now, Sir, a large sum of money is going to be spent on the construction and maintenance of this bridge. It is right and proper, therefore, that Indian talent should be fully utilised for this purpose. And not only Indian talent but Indian industry ought to have a scope. Well, it is feared in many quarters that if the composition of this Board is not changed, the interests of the people will not be sufficiently safeguarded. I know that Mr. Donald has already given notice of a Bill in which he proposes to remodel the constitution of the Port Commissioners to some extent. But this Bill does not go far enough. He proposes that three more members should be elected by the Bengal National Chamber of Commerce. Well, so far as this Bill goes, it has my hearty support; but it does not go far enough. The Bengal National Chamber of Commerce does not represent the people of Bengal; nor does it represent the residents of the suburban

municipalities. For these reasons, I think that a new body ought to be created which will have the charge of the construction and maintenance of the proposed Howrah Bridge.

Babu SURENDRA NATH RAY: I beg to support this amendment. Of course, Government may say that the Port Bill is now on the anvil of the Legislative Council. That is true, but if this clause is not at all taken into consideration now but taken into consideration after the Port Bill has been passed, then I think this amendment need not be taken at all into consideration. But I do think it can be done, and as such I think that this amendment ought to be taken into consideration now.

Mr. PRESIDENT: It is being considered now.

Babu SURENDRA NATH RAY: Therefore I support the amendment of Dr. Banerjea.

Babu AMULYA DHONE ADDY: I am sorry that I cannot but oppose this amendment. I entirely agree with the mover of the amendment, that those who are forced to pay towards the cost of the construction of the bridge should be allowed to have some voice in its administration. I am also of opinion that if the rate-payers of Howrah, the South Suburban Municipality and specially of Calcutta are forced to make a substantial contribution towards the cost of the construction of the bridge they should have representatives on this body. But I beg to submit that the question is as to whether we should have another body to be in charge of the construction of the new bridge or whether the body which has been in charge of the Howrah bridge since 1874 shall remain in charge of it also, if that body have worked satisfactorily, certainly we should continue to entrust this work to them. With reference to this point I beg to draw your special attention to the opinion of a gentleman who has been a Port Commissioner for not less than 20 years, and whose opinion is generally regarded as very sound.

Mr. PRESIDENT: Was it circulated?

Babu AMULYA DHONE ADDY: Yes, Sir, this was circulated. I mean Raja Reshee Case Law: "If the proposed bridge be not of the cantilever type, then it will have to be opened and closed almost every day for the passage of shipping, but the Port Commissioners who have been in charge of the existing bridge have a clear idea and experience of the time for opening and closing the bridge, which the proposed Commissioners, namely, the Board of Trustees for the Improvement of Calcutta, cannot possibly have, especially as the Port Commissioners know what would be the proper time for the passage

of particular vessels to go through the openings, so that they are in a position to make their own arrangements accordingly, and they have their own staff, who have acquired considerable experience on such matters. To place, therefore, the control of the bridge in the hands of the Improvement Trust would give rise to considerable difficulties and inconveniences, especially as they have no such expert staff as the Port Commissioners have."

Thus, it will appear that it is not advisable to entrust this work to a body which has not experience in the matter, and the cost of establishing a different body will be very heavy. We have sad experience in the case of the Calcutta Improvement Trust. They have got a big staff to maintain as in the case of Bombay, where the Improvement Trust with a view to reduce expenditure has already been amalgamated with the Corporation. Therefore, it is not advisable to create another body, but at the same time I admit that the constitution of the Calcutta Port Trust is not a satisfactory one. At present, we have too many members representing European trade and commerce. It is most desirable that Indian trade and commerce should be well represented in the Port Trust. It is also desirable that the Corporation of Calcutta, or rather the rate-payers of Calcutta, should be more represented in that Trust. As the Hon'ble Mr. Donald who is in charge of the Bill for the amendment of the Calcutta Port Act has already given a notice on this subject, I think the proper time would be to discuss this when that Bill comes up. In the circumstances, I think it would be inadvisable to entrust that body with this work.

Babu BEJOY KRISHNA BOSE: I think the amendment moved by my friend, Dr. Pramathanath Banerjea, does not go far enough, but as it is I support that amendment. In the original Bill the Board of Trustees for the Improvement of Calcutta were proposed to be the Bridge Commissioners. The Select Committee has changed that and the change is for the worse. The present proposal is to make the Port Commissioners the Bridge Commissioners. The constitution of the Board of Trustees for the Port of Calcutta at present is this: It consists of 16 trustees, of which 6 are appointed by Government, 6 are elected by the Bengal Chamber of Commerce, 1 by the Trades Association, 1 by the Trustees themselves and only 2 representing the Indian interests. I know that Government intend to amend the Port Act. By that amendment there would be a body of 19 members, of whom we find only 3 would be appointed by the Bengal National Chamber of Commerce. Even then, it is an unrepresentative body. Under these circumstances Dr. Banerjea's amendment asks that at least 8 members of that body should represent popular interests. Under these circumstances, as it is, it is some improvement upon the proposal of the Select Committee, and I therefore support it.

Mr. TARIT BHUSAN ROY: I am sorry that I cannot support the amendment of my friend, Dr. Banerjea. I find that the mover has unfortunately forgotten to consider the claims of the Bengal Mahajan Sabha in a matter of this kind altogether. As the Port Trust Bill is going to be amended shortly and the Board reconstituted, I do not think it is desirable that this amendment should be considered now, but should be considered in connection with that Bill. I do not think that a separate body should be constituted in connection with the construction of the Howrah Bridge. I, therefore, oppose the amendment.

Babu BORODA PROSAD DEY: Looking to the fact that the Port Act is going to be amended giving some more representation to Indian trade and commerce, I mean the Bengal National Chamber of Commerce, I think, Sir, that in this matter of the bridge there are other parties interested—I mean interested in this sense that they have got to pay their share of the expenditure to be involved in the construction and maintenance. They are not represented nor proposed to be represented in the Port Trust. So a body suggested by the mover would naturally be necessary to give representation to all parties who are interested in the maintenance of the bridge, as they have to bear their share of the expenditure. I do not think that this enlarged Port Trust is sufficient for purposes of their representation. Therefore, I think the amendment ought to be accepted by this House.

Babu DEBI PROSAD KHAITAN: I am rather surprised that so much controversy has been raised on this question. The whole question is as to which authority should be entrusted with the construction and management of the Howrah bridge. It is stated by everybody that the bridge should be constructed as cheaply as possible. Cheapness includes also the body which is to manage the construction of the bridge. If it be a new body, it will have to employ special staff for designing the bridge, for taking tenders, for seeing through the construction of the bridge—in fact, doing every thing in connection with the bridge. If a new body be appointed, they will require a new staff, whereas if the work be entrusted to the existing Port Commissioners, it will be found that they have got a staff already for the purpose; they know where floating boats are to be put up, where the river may not be silted up, and where the current should not be stopped. If the work be entrusted to a new body, they will have to engage a special staff for the purpose, and discussion will ensue between the new body and the Port Commissioners as regards the places where the floating boats are to be kept, as to how the current has got to be checked, and as to how the river is to be prevented from silting, whereas if the construction is entrusted to the Port Commissioners, they will with their present staff be able to determine all that without delay and without going into any additional expenditure. As the question of expenditure is so much in the minds of the members of

this House, I think on that ground also it is desirable to entrust the work to the Port Commissioners. As regards the constitution of the Port Commissioners, I am quite at one in thinking that the present constitution of the Port Trust is not what it ought to be. It is quite true that the Hon'ble Mr. Donald will either to-day or to-morrow introduce a Bill for amending the constitution of the Calcutta Port Trust; even then the constitution of the Port Trust, as proposed by Government, will not be what it ought to be. But from that point of view it is desirable that this House should concentrate its attention upon the proper constitution of the Calcutta Port Trust, instead of forming a new body to manage the construction and the maintenance of the Howrah bridge. If that is done, two purposes will be served—firstly, for all purposes of the Calcutta Port Trust in which the Indian mercantile community is so vastly interested we shall get a better amendment of that constitution, whereas if we concentrate our attention on constituting a new body for the purpose of the Howrah bridge, we run the risk that the constitution of the Calcutta Port Trust will not be properly amended, because the Government will then look to the imports and exports. In this view of the matter I think that the Government proposal ought to be accepted and the amendment moved by Dr. Banerjea rejected.

Mr. A. C. BANERJEE: I have great pleasure in supporting the amendment of my friend, Dr. Banerjea. The arguments which have been advanced against my friend's amendment appear to me to be trumpery. The last speaker, my friend, Mr. Khaitan, has told us that the Port Trust has got a staff which will be able to carry on the work, and that it will not be necessary for them to have a new staff—that means a saving of money. Well, I do not know that the Port Trust has a staff which has got such ample leisure that they will be able to devote their time to such extra work. If the Port Trust has kept a staff which has got such ample leisure, then to my mind the Port Trust is an inefficient body, and it has been wasting money, and should not therefore be entrusted with the work.

Then, the next point is that if the amendment is carried, perhaps the Port Trust Amendment Act may not be brought forward by the Government.

Babu DEBI PROSAD KHAITAN: I never said that. I only said: "it may not be brought forward in a satisfactory way."

Mr. A. C. BANERJEE: I stand corrected, Sir. The proposed amendment of the Port Trust Act may not prove to be satisfactory to the Indian mercantile community. But is that any argument, Sir, for voting against the amendment of my friend? Because the Government may at some future date so amend the Port Trust Act as to

make it satisfactory to the Indian mercantile community, an amendment which in itself is satisfactory should not be supported. Why I say that the amendment of Dr. Banerjea is satisfactory and ought to be accepted is this: first of all, even if the Port Trust Act be amended on the lines suggested by Government, there will remain two important bodies which will not have representatives on it—*i.e.*, the tax-payers of Howrah and the tax-payers of the suburban municipalities. Is it fair that there should be taxation without representation? The principle which should underlie legislation of this sort is that we should have popular representatives on the proposed Board. As regards the Port Trust, it is a notorious fact that it does its work with closed doors, and what happens inside its chamber the outside public does not know. Its proceedings are not even permitted to be published; it carries on its work in a masonic spirit as it were, and public opinion has no control whatever over the proceedings of such a body. Do you think that a body like this ought to be entrusted with work which will involve the expenditure of a very large sum of tax-payers' money? I think the constitution of the body suggested by my friend, Dr. Banerjea, ought to be accepted by the Council.

The Hon'ble Mr. J. DONALD: There has been a great deal of reference in this motion to the constitution of the Port Trust, but there are many other considerations involved in this amendment. Dr. Banerjea has said that the people who are going to pay for this bridge should have representation on this new body and should have their say in regard to the new bridge. There may be something in this, but this Council has already dealt with all that there is to do in this connection. The proposals in the Bill, as amended by the Select Committee, have practically decided the type of bridge—a floating bridge, and the rest of the work—the design and construction—will, therefore, be practically a matter for experts. There will, therefore, be little left for anybody to do in connection with the construction of the bridge: And after it is constructed, what is the new body going to do? There will be little left for it beyond meeting three or four times in the year to pass the accounts and the budget, and there will be nothing else for it. The executive work must be done by executive officers.

As Mr. Khaitan has pointed out, this new body of Commissioners will require a new office and a new establishment, and they will have to provide all the necessary plant for keeping up the bridge. In either establishment there will have to be supervising officers, and these would be of the type referred to by Mr. Banerjee—leisurely officers drawing high pay and doing nothing. Then there would have to be a lot of separate plant, lying idle most of the time. Now the Port Commissioners have got all the necessary plant which they could use on the work as well as their own, a cheaper and more useful arrangement.

A pure waste of money would be the result of a separate body with a separate establishment and separate funds. Then, again, ocean-going steamers go up the river above the bridge, and the bridge has to be opened for them. This would require a lot of correspondence and a lot of consultation with the Port Commissioners as to when the bridge is to be opened, and there is sure to be trouble and delay. It may be that when the Port Commissioners want the bridge open for steamers to go up the river, the new Commissioners may not wish to open the bridge. There is sure to be friction. After all, the present Port Commissioners have been looking after this bridge for the last 50 years, and they can keep it going with their present establishment very cheaply.

With this new body there would be considerable expense, and additional revenue would be necessary. On the ground of expense alone this amendment is objectionable. There is no necessity for a Board other than the present Port Commissioners to look after the bridge. Therefore, I oppose the amendment.

The motion of Dr. Pramathanath Banerjea was then put and a division taken with the following result:—

AYES.

Ahamad, Maulvi Asimuddin.
Ahmed, Maulvi Zanneer.
Bagchi, Babu Romes Chandra.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Satya Kishore.
Banerjee, Mr. A. C.
Biswas, Mr. Abdul Latif.
Bose, Babu Bejay Krishna.
Chakravarti, Mr. Byomkes.
Chakraverty, Babu Sudarsan.
Chaudhuri, Maulvi Saiyed Abdur Rob.
Chunder, Mr. Nirmal Chandra.
Das, Dr. Mohini Mohan.
Dey, Babu Sereda Prosad.
Gafur, Maulvi Abdul.
Ganguly, Babu Khagendra Nath.
Haldar, Mr. S. N.
Haq, Shah Syed Emdadul.
Hoque, Maulvi Sayedul.
Hossain, Maulvi Wahed.
Jeardar, Maulvi Aftab Hossain.
Khan, Babu Debendra Lal.
Khan, Maulvi Abdur Rasohid.
Khan, Maulvi Amanat.
Khan, Maulvi Nabi Uddin.
Mahammad, Maulvi Basar.
Maity, Babu Mahendra Nath.
Mitra, Babu Jogendra Nath.
Mukerjea, Babu Taraknath.
Naskar, Babu Hem Chandra.
Ray, Babu Abanish Chandra.
Ray, Babu Surendra Nath.
Roy, Babu Satoswripati.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarkar, Babu Hemanta Kumar.
Sarkar, Babu Naliniranjan.
Sasmal, Mr. S. N.
Sen, Mr. N. C.
Sen Gupta, Mr. J. M.
Suhrawardy, Dr. A.
Taraffdar, Maulvi Rajib Uddin.

NOES.

Addy, Babu Amulya Dhone.
Ahmed, Maulvi Tayebuddin.
Ali, Maulvi Sayyed Sultan.
Ali, Mr. Altaf.
Barton, Mr. H.
Birley, the Hon'ble Mr. L.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Dhill, Mr. S. N.
Dobson, Mr. B. J.
Cooper, Mr. C. G.
Crawford, Mr. T. C.
Das, Babu Charu Chandra.
Das, Rai Bahadur Amar Nath.
Davis, Mr. J. Cooper.
De, Mr. K. C.
Donald, the Hon'ble Mr. J.
——————, Mr. J. G.
Forrester, Mr. J. Campbell.
Guha, Mr. P. N.

Haq, Khan Bahadur Kazi Zahirul.
Heard, Major General Richard.
Hodgson, Mr. R. C.
Hogg, Mr. G. P.
Hopkyns, Mr. W. S.
Hossain, Nawab Musharruf, Khan Bahadur.
Huq, Maulvi Ekramul.
Jennaway, Mr. J. H.
Khaitan, Babu Debi Prosad.
Lal Mahammed, Haji.
Lindsay, Mr. J. H.
Masih, Mr. Syed M.
McAlpin, Mr. M. C.
McKenzie, Mr. D. P.
Meberiy, Mr. A. H.
Merene, Dr. H. W. B.
Mukerji, Mr. S. C.
Nandy, Maharaj Kumar Sris Chandra.
Naziruddin, Khaja.
Patterson, Mr. B. C.
Philip, Mr. J. Y.
Quader, Maulvi Abdul.
Ray, Babu Nagendra Narayan.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra, of Nadia.
Ray Chaudhuri, Mr. K. C.
Roy, Mr. S. N.
Roy, Mr. Tarit Bhusan.
Roy, Raja Manilal Singh, of Chakdighi.
Simpson, Mr. J. W. A.
Stapleton, Mr. H. E.
Travers, Mr. W. L.
Wilson, Mr. R. B.

The Ayes being 43 and the Noes 51, the motion was lost.

The following motion, standing in the name of Dr. Pramathanath Banerjea, was not put, as it was covered by the foregoing decision of the Council:—

That for clause 3 (*4*) the following be substituted, namely:—

"(*4*) The Chairman of the Commissioners for the new Howrah Bridge shall be appointed by the Government.

The Commissioners mentioned in sub-section (*3*) shall be elected or nominated in accordance with rules to be framed by the Local Government in that behalf."

Mr. PRESIDENT: The question is that clause 3 stand part of the Bill.

The motion was put and agreed to.

Clause 4.

Mr. PRESIDENT: The question is that clause 4 stand part of the Bill.

The Hon'ble Mr. J. DONALD: This is really an improved drafting of the clause to express the intention more clearly. For clause 4 as it is, I move that the following be substiuted, namely:—

Power to construct a new bridge and to take order with existing bridge.

"4. The Commissioners may—

(*a*) cause a new bridge to be constructed across the river Hooghly between Calcutta and Howrah of such design and of such materials of such quality and at such place and with such approaches as the Commissioners, subject to the approval of the Local Government, consider suitable;

(*b*) notwithstanding anything contained in the Howrah Bridge Act, 1871, take such order with the existing bridge as the Commissioners, subject to the approval of the Local Government, consider essential in connection with the construction of the new bridge; and

(*c*) cause the new bridge and its approaches to be maintained and controlled."

The amendment was put and agreed to.

The motion was put and agreed to.

The following motion was not put as it was covered by the foregoing decision of the Council:—

Babu AMULYA DHONE ADDY to move that in clause 4, line 8, after the words "Local Government" the words "after consideration of the views of the Municipal Commissioners of Howrah and the Corporation of Calcutta" be inserted.

The following amendment standing in the name of Babu Amulya Dhone Addy was called but not moved:—

That to clause 4 the following be added, namely:—

"Provided that the design of the new bridge shall be floating type."

Mr. PRESIDENT: The question is that clause 4, as amended, stand part of the Bill.

The motion was put and agreed to.

Clause 5.

Mr. PRESIDENT: The question is that clause 5 stand part of the Bill

The Hon'ble Mr. J. DONALD: Sir, I may explain that this is also a drafting amendment intended to make the law better on the question of borrowing, and I beg to move that for clause 5, the following be substituted, namely:—

Power to raise loans.

"5. (*1*) The Commissioners may borrow any sum necessary for carrying out the works specified in clauses (*a*) and (*b*) of section 4 at such rate of interest and for such period and upon such terms as to the time and method of repayment and such other terms and conditions as the Local Government may approve:

Provided that no loan exceeding in amount twenty-five lakhs of rupees shall be taken by the Commissioners, unless the terms including

the date of flotation of such loan have been approved by the Government of India.

(2) The Local Government shall have power to guarantee the service and repayment of any loan raised under the provisions of sub-section (1) or any part of such loan."

The motion was put and agreed to.

Mr. PRESIDENT: The question is that clause 5, as amended, stand part of the Bill.

The motion was put and agreed to.

Clause 6.

Mr. PRESIDENT: The question is that clause 6 stand part of the Bill.

The Hon'ble Mr. J. DONALD: This again, Sir, is another drafting amendment intended to improve the wording of the section. I beg to move that for clause 6, the following be substituted, namely:—

Power of Local Government to order Commissioners to undertake works and raise loans.

"6 (1) The Local Government may, by notification, order the Commissioners to undertake the works referred to in section 4 and to raise the loan referred to in section 5 within such period as the Local Government shall fix, and the Commissioners shall comply with such order.

(2) The Local Government may, by notification, for reasons to be recorded therein, extend the period fixed under the provisions of sub-section (1)."

The motion was then put and agreed to.

Mr. PRESIDENT: The question is that clause 6, as amended, stand part of the Bill.

The motion was put and agreed to.

Clause 8.

Mr. PRESIDENT: The question is that clause 8 stand part of the Bill.

Babu AMULYA DHONE ADDY: Sir, I beg to move that clause 8 (i), which runs as follows, be omitted:—

"A tax of not more than one-quarter per cent. on the annual valuation of all lands and buildings in Calcutta as determined by the Corporation of Calcutta under Chapter X of the Calcutta Municipal Act, 1923."

Sir, I may say at the beginning that I am open to an amicable settlement with Government. I am willing to withdraw it, if the Hon'ble Member in charge be pleased to withdraw the next amendment under which it is proposed to increase the rate of taxation from one-quarter to three-quarters per cent.

Mr. PRESIDENT: But you cannot move your amendment on such conditions. Either you must withdraw it, or move it.

Babu AMULYA DHONE ADDY: In that case, Sir, I beg to insist on my amendment.

Sir, in the opening speech of my learned friend he stated that it was a bridge which was going to connect Calcutta and Howrah. I beg to submit, Sir, that it is really a bridge which will connect the East Indian Railway, and the Bengal-Nagpur Railway as well, with Burrabazar, which is the emporium not only of Calcutta but of the whole of India. It is to be a bridge connecting these railways not with Calcutta and its adjoining places but, as I have already stated, with the principal market of the Indian Empire. Therefore, I beg to submit that it is not a local question for which we can ask the inhabitants of Howrah and Calcutta to contribute: it is a question in which the railway authorities as well as the Government of India are vitally interested.

I shall first of all deal with the estimates. It is estimated that the bridge will cost about 1 million 250 thousands pounds sterling. The question is whether we can afford to pay this sum. The existing bridge was constructed at a cost of about 27 lakhs of rupees, and it has lasted for more than 50 years. In this connection, I shall draw your attention to the report of 1912 by four Chief Engineers, viz., the Chief Engineer of the Lower Ganges Bridge, the Chief Engineer of the East Indian Railway, the Chief Engineer of the Corporation of Calcutta, the Chief Engineer of the Calcutta Port Trust, and the Chief Engineer to the Government of Bengal in the Public Works Department. Let us see what their estimates and designs were. They called for tenders from several firms, and considered the designs and tenders submitted by them. It appears from this memorable report of 1912 that the design and tender of a German firm appeared to be the best under this design the bridge was to be a floating one and the work of construction was to be completed within two years, with the least inconvenience to the public at large. Further, it was to be constructed on the same site, and the level of the bridge was to be the same as that of the adjoining Strand Road.

Mr. PRESIDENT: Mr. Addy, I am quite unable to follow your arguments. You are dealing with the taxation clause, but you are also dealing with the construction and type of the bridge.

Babu AMULYA DHONE ADDY: My contention is this—if you can reduce the estimates for the construction of the bridge, there would be no necessity whatever for levying such a tax as is contemplated under this Bill.

Mr. PRESIDENT: In that case I think you ought to have moved for the recommitment of the Bill to the Select Committee.

Babu AMULYA DHONE ADDY: I am sorry my esteemed friend, Mr. Guha, did not move his motion.

Mr. PRESIDENT: And I also am sorry I cannot allow you to proceed on the lines you have been following.

Babu AMULYA DHONE ADDY: However, my contention is to reduce the estimates as far as practicable. Now, even under the estimates which appear to have been approved of by Government as well as by the Select Committee, it will not be necessary to levy a tax of even one-quarter per cent. on the rate-payers of Calcutta. Taking the current rate of exchange at 1 shilling 6 pence per rupee, it appears that a sum of about 1 crore and 66 lakhs of rupees is required; and calculating the interest for raising this loan at 5 per cent. per annum, and sinking fund charges at 1 per cent. per annum, we would require a sum of about ten and a half lakhs of rupees, and assuming the cost of maintenance at 3 lakhs of rupees per annum, the total amount required is about 13½ lakhs of rupees per year. But we can realise this amount by levying a tax on railway goods, railway passengers, and also from contributions from the Government of Bengal as well as from the Government of India. As I have already stated, the Government of India are vitally interested in this question, and even the Finance Committee, to which this matter was referred, expressed the opinion, as will appear from page 11 of the report of that Committee, that it can be logically argued that the Imperial Government, which derives so large a portion of its revenues through the port of Calcutta, and the Government of Bengal, of which Government, Calcutta is the capital, should equally share in the necessary burden.

My contention is that if the Government of India can be persuaded to contribute 5 lakhs of rupees towards the cost of the annual charges, it would not be necessary to levy any tax whatever on the residents and rate-payers of Calcutta. Sir, so far as Calcutta is concerned, I am sorry to state that the Corporation of Calcutta is already committed to heavy items of expenditure. They are committed to an expenditure of three crores of rupees for the extension of the water-supply in Calcutta; they are committed to an expenditure of about one crore of rupees for the improvement of the drainage system of this city; and as a result of the amalgamation of Cossipore-Chitpore, Manicktolla, and Garden Reach, they will have to incur an expenditure of about 90 lakhs of rupees. There is also a scheme pending before the

Corporation for making Primary education free and compulsory within the bounds of the city—and I may add that it should be done as early as possible—for which their estimate amounts to 20 lakhs of rupees; and even if the Government of Bengal were to be so good as to contribute two-thirds of this annual charge, the Corporation will still have to find a sum of 6 lakhs of rupees on this account which works out to 1 per cent. of the annual valuation of the ratable holdings of Calcutta, and which they will have to find by increasing the rates. Therefore, though the present rate of municipal taxation is 19 per cent., I am really sorry to state that in the course of three or four years the Corporation of Calcutta shall be under the painful necessity of increasing the rates to 23 per cent., and in addition to that will have to levy an education cess at 1 per cent. Under the circumstances, Sir, it would be most hard on the rate-payers of Calcutta if they were to be called upon to contribute even one-quarter per cent. of the annual valuation of their holdings.

Sir, it will appear from the administration reports of the Calcutta Municipality that in the year 1900-01 the total amount of rates and taxes which was realised from Calcutta by the Corporation was 54 lakhs of rupees, but in the year 1924-25 it increased to 2 crores and 7 lakhs of rupees.

Then again, Sir, the citizens of Calcutta have to pay heavy rates of income-tax. In the year 1886, the maximum rate of income-tax was 5 pies per rupee, in the year 1916 it was increased to 12 pies, and in the year 1923 it was fixed at 18 pies in the rupee. Further, there is the levy of the super-tax which ranges from 1 anna to 6 annas per rupee.

In these circumstances, it is not advisable to levy even a tax of one-quarter per cent. of the annual valuation of holdings on the poor rate-payers of Calcutta.

The total amount of Customs duty realised by the Government of India from the port of Calcutta was 20 crores of rupees in the year 1924-25. And as regards income-tax, they realised 22 crores in the year 1922-23, and from Bengal itself they realised a sum of 6 crores of rupees in 1923-24. I, therefore, beg to submit, Sir, that instead of levying any additional taxation on the inhabitants of Calcutta, it is most desirable that the Government of India should be persuaded to contribute towards the cost (though not the whole of it—at least a substantial portion of the cost) of construction of this bridge.

Mr. K. C. RAY CHAUDHURI: I rise to oppose Mr. Addy's amendment, though I must confess that there is a very strong feeling in the Corporation against the proposal of one and a half or three-quarters per cent. contribution, and I, therefore, suggest a golden mean—a compromise.

The Hon'ble Mr. J. DONALD: On a point of order, Sir, I have an amendment on this clause, and I submit that this amendment should not be dealt with before I move my amendment on this clause.

Mr. PRESIDENT: I think there is no harm in taking these amendments separately. If Mr. Addy's amendment is carried, you do not stand anywhere.

Mr. K. C. RAY CHAUDHURI: I oppose Mr. Addy's amendment. I do not refer to Mr. Donald's amendment at all. I suggest that if three-quarters per cent.——

Mr. PRESIDENT: That amendment is not before the House and you cannot discuss it.

Mr. K. C. RAY CHAUDHURI: What I wanted to say was that if Mr. Addy had suggested even half per cent.——

Mr. PRESIDENT: But he has not made any such suggestion. You cannot put any suggestion into his mouth. If you are to move the amendment, you ought to have sent in a notice of that. As it is, you can only oppose Mr. Addy's amendment.

Mr. K. C. RAY CHAUDHURI: If you permit me to move an amendment now——

Mr. PRESIDENT: That is a matter for me to consider. You must proceed in the proper manner.

Mr. K. C. RAY CHAUDHURI: I have got nothing further to say.

The Hon'ble Mr. J. DONALD: I rise to oppose Mr. Addy's amendment. It is quite easy for anyone to stand up and say that Calcutta should not pay anything towards the cost of the Howrah bridge and that this clause should be omitted. Mr. Addy says that the Corporation has got to spend a lot of money on water-supply and drainage, etc. I should like to ask Mr. Addy what would be the fate of Calcutta if the Howrah bridge disappears. I do not think that anybody with a grain of common-sense in him would say that Calcutta should pay nothing. I have been connected with this Bill with all its proceedings for some years, and the general view I have gathered is that everyone wants a bridge, but nobody wants to pay. We want the bridge, but somebody must pay—not me. There has been this difficulty throughout. There is only one body which has constantly said that it would pay, and that is the Government of Bengal. I do not see how Calcutta can possibly hold up its head if the mufassal is made to pay for the Howrah bridge. The mufassal members of this Council can well say that with all their efforts they cannot secure sufficient funds

for Primary education, water-supply, etc. Why should they have to pay for Calcutta's bridge? They can well be expected to pay a reasonable share, but I do not think that they should pay the whole of the cost and that Calcutta should pay nothing. Therefore, Sir, I object to this amendment.

The motion of Babu Amulya Dhone Addy was then put and lost.

The Hon'ble Mr. J. DONALD: I move that in clause 6 (*i*), line 1, for the words "one-quarter" the words "three-quarters" be substituted.

Sir, I have already said that Calcutta should pay its share. What I want to say now is that a quarter per cent. is not a proper and appropriate share to be paid by Calcutta for the construction of this bridge. I have already said that this bridge will be an annual charge of Rs. 15,00,000. The quarter per cent. under clause 8 (*i*) represents about two lakhs of rupees. It is, I think, quite unreasonable for Calcutta to say that Calcutta will pay only Rs. 2,00,000 out of Rs. 15,00,000. This is not shouldering its responsibility. The bridge is going to be of vital importance to Calcutta. With the construction of this bridge, trade will be increased and Calcutta will flourish. It is in the interests of Calcutta that it should have a bridge and that, therefore, it should pay a fair share of the cost. The present amendment and the subsequent amendment of sub-clause 2 (*ii*) aim roughly at making Calcutta and the suburban municipalities, including Tollyganj and South Suburban, pay roughly less than one-sixth of the cost. I do not think this a fair contribution at all. If Calcutta has to pay only two lakhs annually, then the provincial contribution will have to remain at Rs. 5,00,000 instead of Rs. 4,00,000. In other words, the provincial revenues, *i.e.*, the mufassal primarily, will have to bear in the next 40 years an extra charge of Rs. 40,00,000, an amount which will go a long way towards solving mufassal problems, such as water-supply, Primary education, medical schools, etc. By supporting the proposal in the Bill of a quarter per cent. mufassal members will thus be doing a great deal of harm, because the provincial contribution will have to be kept at the higher figure if the Calcutta contribution is kept so low. As it stands, the province is practically going to pay five lakhs against two of Calcutta. This is quite unreasonable. I consider that, at any rate, half of the total cost of the bridge should come from the municipalities concerned. This is what is covered by my amendments of clause 8 (*i*) and (*ii*).

Mr. PRESIDENT: I have admitted an amendment of Mr. P. N. Guha, and I will now ask him to move it.

Mr. P. N. GUHA: I move a further amendment that in clause 8 (*i*), line 1, for the words "one-quarter per cent." the words "half per cent." be substituted.

Sir, I have carefully listened to the arguments that have been advanced by the Hon'ble the Finance Member, and I am convinced that Calcutta should pay more towards the cost of the bridge. The bridge is an essentially necessary thing for Calcutta. It will be seen that according to the report of the Select Committee, Calcutta will pay much less than what we, the people of the mufassal, will have to pay. The provincial contribution to the bridge is Rs. 5,00,000, while Calcutta with its quarter per cent. will pay less than two. This arrangement is quite disproportionate. Further, the districts are not only paying out of the provincial revenue but the mufassal people, who come daily from Burdwan side to work in Calcutta, have to pay a tax each time they travel on the railway. Therefore, the Calcutta people will have the benefit of a good bridge at the cost of the poor rate-payers residing all over Bengal. Is it fair and is it just? I ask my friends opposite who have come here to represent village people to consider the effect of this inequitous taxation. There is no earthly reason why the province should pay more than Calcutta for this bridge, which is more or less a domestic concern of Calcutta.

Sir, I cannot, however, overlook the fact that Calcutta has to meet very large expenditure in various directions. The Calcutta Corporation in a recent meeting have repeatedly urged the members of the Bengal Legislative Council not to increase their tax more than quarter per cent. I understand Calcutta is already paying a tax of 19½ per cent. I certainly think that the burden of taxation is already very great, but the half per cent. which I have proposed will not prove much heavier in comparison with the burden that the Select Committee has proposed to place on the shoulders of the poor villagers of this province. Sir, my friends opposite have always condemned Government for not supplying adequate funds for the nation-building departments. I am not sure if the saving made in this direction will be utilised for work in the nation-building departments, but, Sir, here is a chance for us to induce the Government to spend the savings either for drinking water, kala-azar or for some other national activities. I would request the Hon'ble the Finance Member to kindly accept my amendment, and I hope that my friends opposite, who think that Calcutta should not be taxed, will see their way to take a middle course. Well, Sir, the representatives of Calcutta who are all men of light and leading should not overlook the interest of those poor rate-payers—the dumb millions of the mufassal. I, therefore, appeal to the members of the House to take the middle course by accepting my amendment.

At this stage the Council was adjourned for 15 minutes.

(After the adjournment.)

Babu BEJOY KRISHNA BOSE: Sir, I am a *bonâ fide* citizen of Calcutta, born and brought up here. I am not one of those who have

come here as a bird of passage for profession or trade or for any other purpose. I rise, therefore, to strongly oppose the amendments of the Hon'ble Mr. Donald and Mr. P. N. Guha. Though, Sir, I am a citizen of Calcutta, I am surrounded here, on this side of the House, to which an appeal has been made by Mr. P. N. Guha so often in the course of his speech, by members from the mufassal, and I can assure Mr. Guha, who has tried to draw a red herring across the trail, that his attempts have absolutely failed. Here, in these days, we do not think that we are exclusively citizens of Calcutta without any interests in the mufassal, and the mufassal people do not come here to serve their own interests. I have noticed times without number that appeals were made to the people of Calcutta. It was said that Calcutta should pay. But what is the meaning of Calcutta? Does Calcutta mean only the lands and properties in it and not its trade and business? The proposal is to increase the rates so as to levy a tax on the annual valuation of lands and holdings in Calcutta and not on the trade and commerce of Calcutta. In this connection, I may draw the attention of the House to the recommendations of the Finance Committee which sat over the Bill. They wanted to levy a cess on the trade and commerce of Calcutta. In one paragraph of their recommendations they said "a bridge between Howrah and Calcutta is a necessity to the general trading and commercial life of both cities, and on this ground and because it is desirable to spread the expenditure over a very wide basis, we consider that the trade of Calcutta generally should, as far as possible, be required to contribute. There is, moreover, the important practical consideration that any addition made to the railway charges on traffic to and from Howrah and depôts on the Howrah side of the river is automatically applied to traffic carried over the East Indian Railway to and from stations on the Calcutta side of the river. If, therefore, the latter traffic were excluded from the operation of the cess imposed for the purpose of financing the bridge, it would nevertheless have to bear the additional burden, the only difference being that the extra amounts thus paid by it would be appropriated by the railway instead of by the bridge authority. We believe that a cess on goods imported into, and exported from, Calcutta is feasible. Such a cess is already borne by the traffic which is received or despatched by the East Indian Railway, and there is not, in our opinion, any reason why it should not be made universal. We recommend, subject to the qualifications mentioned later, such a cess on all traffic brought into or exported from any railway station within Howrah and Calcutta." If this is done, the trade of Calcutta at 1 pie per maund and the terminal tax at 3 pies per head will bring in about Rs. 8 lakhs which is more than is required.

I appeal to the members of this House to consider the decision of the Calcutta Corporation. We had a full debate on this question last Friday, and I would like to point out the fact again to the members

of this [illegible] it for the next 10 years to come, so far as the Calcutta Corporation are concerned, they cannot raise their tax beyond the statutory limit of 3½ per cent., and if they raise the rates even by 3½ per cent. they cannot meet their ordinary commitments. I shall tell the members all the things to which they are committed.

They are going to levy an educational cess in order to make Primary education free and compulsory in Calcutta which would cost them annually Rs. 25 lakhs.

The water-works extension charges would cost annually Rs. 20 lakhs.

Then comes the drainage problem. It is no use giving 41 million gallons every day by extending the water-works system, unless the drainage system is improved and extended, which will cost them a capital expenditure of Rs. 2 crores, and for one item of charge only in this connection they are committed to the extent of Rs. 15 lakhs a year.

Then for the additional contribution for the operations of the Calcutta Improvement Trust they have to find Rs. 5 lakhs.

They are committed to pay Rs. 3 lakhs for the improvement of the Maniktolla, Garden Reach and Tollygunge and other added areas.

Then they have extended their charitable dispensaries and have started special health associations all over Calcutta, for which Rs. 2 lakhs are required.

Lastly, for better sanitation, improved roads and milk-supply they are committed to an expenditure of Rs. 5 lakhs.

They have a margin of 3½ per cent. under the statute over the present rate of 19½ per cent. imposed. An additional imposition of 3½ per cent. can bring them only about Rs. 30 lakhs additional income, and in the next ten years the normal growth of revenue will amount to, say, about Rs. 50 lakhs—a total of Rs. 80 lakhs. Against this sum, our increased expenditure at the end of 10 years is expected to amount to Rs. 75 lakhs as I have given above, which allows Rs. 5 lakhs only for the growth of ordinary expenditure at the end of the next ten years which is far below requirements. I, therefore, submit that the Corporation is not in a position—and I have given you facts and figures—to pay anything; but as a compromise, on Friday last at our meeting, we agreed most reluctantly to pay quarter per cent. provided the constitution and other things were amended, as we desired. Now we have failed in amending the constitution. Even then we are willing to give quarter per cent., though I am sure we shall be subjected to much criticism and abuse.

I notice, Sir, that Mr. Donald in his note of dissent was a bit sarcastic about our arguments. He said: "I attach little weight to the argument that these cities are committed to heavy expenditure on essential improvements and cannot therefore pay more for a bridge.

I have seen little tendency towards any increase in municipal taxation in order to make any such essential improvements." Mr. Donald was the Chairman of the Calcutta Corporation, and he ought to have thanked us that in our endeavours to improve the milk-supply and the health of the city we have been able to find money without increasing the rates from 19½ per cent. We, however, now find that the time has come when for the drainage and other schemes of improvement we are bound to raise our taxation. For these reasons I strongly oppose both the amendments.

Dr. PRAMATHANATH BANERJEA: I strongly oppose the amendment that has been moved by the Hon'ble Mr. Donald. The acceptance of this amendment will involve a large addition to the burden on the rate-payers of Calcutta. The people of this city are already groaning under a heavy load of taxation and any substantial increase in the rate of taxation will be practically unbearable. It should be remembered in this connection that the Calcutta Corporation is working this year with a deficit budget. With its present resources the Calcutta Corporation is unable to meet the various needs in the proper manner. Education has so far been practically neglected, and medical relief is afforded only to a limited extent. Recently, large areas have been added to the city, and owing to lack of resources the Calcutta Corporation has not been able to pay sufficient attention to the improvement of these areas. If the Hon'ble Mr. Donald and his friends will kindly pay a visit to Maniktolla, they will be impressed with the necessity for improvement in that area. These are important considerations; but the Hon'ble Mr. Donald says that Calcutta ought to pay more because the bridge is a necessity of the residents of Calcutta. I do not admit that this view is entirely correct. Mr. Donald tries to drive a wedge between the Calcutta members and the mufassal members of this Council. This is not right. Calcutta is not merely a provincial city, but a city which is resorted to by a large number of people from all parts of India. The Howrah bridge connects not merely Calcutta with Howrah, but it connects Bengal with other parts of India. It is, therefore, right and proper that not merely the Government of Bengal but the Government of India should bear their fair share in the construction and maintenance of this bridge. I am not quite sure that sufficient effort has yet been made to induce the Government of India to agree to contribution. But if in future Mr. Donald and his colleagues of the Bengal Executive Council do their best in this matter, I am sure there will not be any lack of funds. Besides, the Bengal-Nagpur Railway has been exempted from the purview of this Bill,—on what ground I do not know. If the Bengal-Nagpur Railway be not exempted, it will give us an increased revenue. Then, there will be no need of increasing the taxation on the rate-payers from one-quarter to three-quarters. I hope the members of this Council will take a reasonable view of the matter and throw out this amendment.

The Hon'ble Mr. L. BIRLEY: Unlike Mr. Bose I rise as a bird of passage who have spent the greater part of that passage and the best part of it in the mufassal. I propose to take up the "herring" from the place where Mr. Guha dropped it and I shall show that it is a very good fish. We have from time to time had some difficulty in following the intricacies of the game of walk-out and walk-in: on this occasion we have had no such difficulty, except as regards Babu Naliniranjan Sarker. I notice his name on the Report of the Select Committee. I find it difficult to reconcile his proposals with his position as a pretagonist of village reconstruction. I saw him here at the beginning of the afternoon but have not seen him since. I am sorry he is not here now, as I want to address my words to the mufassal members and in particular to him. Now, Sir, it is of no use to say that the Government of India should pay more, when every one knows that they will not pay more. Anything that is not paid by direct taxes by the rate-payers of Calcutta has got to be recovered from the whole province—in particular from the people who live in the mufassal. Who is going to pay this tax on goods which will be brought in and taken out of Calcutta? It seems to me that it is going to be paid by the people in the mufassal. If a tin of kerosine oil is taken out of Howrah, to its price will be added the amount of the tax. I do not know how the people in the mufassal can avoid paying that. On the other hand if a producer in the mufassal sends a consignment of mangoes to Calcutta through Howrah there will be other consignments sent through Sealdah. The price in Calcutta will be guided by the price of the majority of the consignments that come in. The producer who sends his goods to Howrah will have to pay the extra tax, but will not be able to put it on the price of his goods.

We have heard that the Calcutta rate-payers have got very important commitments. I should like to know what commitments the mufassal people have. The Calcutta rate-payers contemplate levying a cess for primary education but primary education in the mufassal is not going to be had for nothing. The mufassal members of the Council, as was natural in a Bill relating chiefly to Calcutta, had not a large representation on the Select Committee; and I appeal to the mufassal members on this occasion to remember their duty to the mufassal. I do not mean to say that the mufassal has nothing to do with Calcutta and that Calcutta is to pay for the whole of whatever expenditure is incurred on Calcutta. But surely a bridge is primarily a domestic concern. I do not suppose that the Calcutta Corporation is going to pay anything at all for a bridge over the Matabhanga at Chuadanga, or for renewing the bridge over the Dolai Khal in Dacca. Then, there is another point: the amount which is to be paid by the Provincial Government will be lost by the people of Bengal as a whole, and the amount which is to be collected by the levy on goods carried by the railway will be paid by every consumer or producer

concerned. On the other hand the amount which is to be paid for by Calcutta will be paid by the rate-payers of Calcutta, *i.e.*, by those who own property, and not by the whole body of the people of Calcutta. On these grounds I make an appeal to Babu Naliniranjan Sarker and other mufassal members and I hope they will support the Hon'ble Mr. Donald's motion.

Mr. W. L. TRAVERS: I wish to say a few words on this amendment entirely as a mufassal member. I want to endorse everything that has been said by the Hon'ble Mr. Birley in that respect. The importance of this bridge to Calcutta is immense, but if you go up to North Bengal or East Bengal where I come from, you will realise what is the importance of this bridge to the millions of raiyats of the country side who have got to pay their share of the taxation. I say that the contribution as allocated by the Select Committee is entirely unjust and inequitable to the large majority of the inhabitants of this province. I go further than that and say that in my opinion and also in the opinion of many other up-country members. Speaking generally, far too large a proportion of the revenue of the province is devoted to Calcutta. When we up-country men want money for the essential needs of the people, that is to say, for the improvement of water-supply or sanitation or for medical relief, we are told there is no money. Calcutta has all the essentials. I do not complain of that, but I do say that the expenditure of the future, such as this expenditure, should be most carefully watched in these respects. We cannot get money for our needs in up-country, but here in Calcutta whenever anything urgent arises, the whole province has got to pay. I appeal to the up-country members of this Council to support this amendment and to lessen the contribution of the province and increase that of Calcutta. We are all proud of Calcutta, whether we reside here or not. We all recognise that every one in the province has a share in the improvement of this glorious city, but at the same time let us forget the lot of 46 millions of people who live in the rest of the province and let us do the best we can for them. Therefore, I ask the up-country members of this House to vote for the Hon'ble Mr. Donald's amendment.

Babu SURENDRA NATH RAY: My friend, Babu Bejoy Krishna Bose, has already told you that there was a full dress debate in the Calcutta Corporation on Friday last. Of course, in a matter like this anything that is said by the representatives of the Calcutta Corporation ought to be heard with care and attention. It is the Calcutta Corporation which has got to give a very substantial contribution to the proposed Howrah bridge, and as such the views of the representatives of the Corporation should be very carefully considered. It is not a lump sum contribution by the Calcutta Corporation or by the other

municipalities, but this contribution will continue for 40 years, to be bequeathed from sire to son. What will the Hon'ble Member in charge of the Bill say to this. I think the whole matter ought to be considered by the Select Committee over again. It was urged by the Select Committee that the Bengal-Nagpur Railway should contribute: as a matter of fact this railway used to contribute—it pays now Rs. 26,000 per annum towards the upkeep of the present bridge—but, as has been pointed out by some members of the Select Committee, it ought to be made legally to contribute Rs. 2 lakhs, and the whole thing is sought to be done away with.

We should like to know the reason why this contribution should not be levied on the Bengal-Nagpur Railway. We should like to see the correspondence on the subject between the Government of India, the Bengal-Nagpur Railway authorities and the Government of Bengal. They cannot be secret documents which ought not or cannot be placed before the public. We want light, more light on this important branch of the controversy about the payment by one of the most important bodies which ought to contribute towards the construction and maintenance of the bridge. What about the contribution by the Central Government? They say they can do so if the bridge to be constructed be of a cantilever type. Why should that be? Will it add to the value of the imports and exports from Calcutta? Will it bring a larger revenue to the Central Government if the bridge be of that type.

Mr. PRESIDENT: I am afraid you are speaking on the next amendment. If you have got a ready-made speech for the next amendment, then why are you reading it now.

Babu SURENDRA NATH RAY: The two amendments are connected together so it is necessary that there should be some overlapping.

Mr. PRESIDENT: Try to exclude the other thing as much as possible.

Babu SURENDRA NATH RAY: It is the sweet will of the Central Government, it is because the Central Government is in a position to command and to dictate without reason or rhyme that it can take up this attitude. Having deprived Bengal of all its paying sources of revenue or from which substantial contribution ought to have been given, the Central Government would not allow this province to levy such contribution for the Howrah bridge which we were enjoying from the Bengal-Nagpur Railway.

I think the resolution which has been passed by the Calcutta Corporation is very reasonable and this ought to be taken into consideration by the Hon'ble Mr. Donald. We ought to go up to the Government of India for a substantial annual contribution. We cannot rest

satisfied with what the Hon'ble Member says that they will not pay anything. Let us see the correspondence on the subject. Why should not the very reasonable resolution of the Calcutta Corporation be considered by the Select Committee or, I may say, by the Hon'ble Member in charge. They say that any contemplated remission of the provincial contribution should be made up by a contribution from the Imperial Government, and that is a matter which ought to be considered by the Hon'ble Member in charge, and I think that if the Imperial Government make some contribution it will not be necessary to raise the rates from one-quarter to half per cent. as has been suggested in the amendment of my friend, Mr. Guha.

Mr. S. C. MUKERJI: Sir, I feel sincerely that Calcutta ought to contribute its legitimate share towards the upkeep of the Howrah bridge, but I feel that the Hon'ble Mr. Donald has gone a little too far in demanding a three-quarter per cent. as opposed to the one-quarter per cent. recommended by the Select Committee. Taking all things into consideration, the golden mean of half per cent. seems to be reasonable and equitable.

Dr. BIDHAN CHANDRA ROY: Is it golden or silvern mean, Sir?

Mr. S. C. MUKERJI: Sir, the 19½ per cent. assessment of the Calcutta Corporation is felt by the citizens of Calcutta as a little too heavy. There are thousands and thousands of citizens of Calcutta who greatly feel the pinch of this municipal tax. I realise that Calcutta will reap more benefit from the Howrah bridge than the people of this province generally, but I feel at the same time that the cost of living in Calcutta is much higher than the cost of living in the mufassal, and when this is taken into consideration I think that while we, the people of Calcutta, feel for the people of the province of Bengal, the people of the province of Bengal outside Calcutta ought to feel some sympathy for the citizens of the town of Calcutta, and I think that they ought to make some contribution towards it. Of course in my heart of hearts I am in sympathy with the one-quarter per cent. tax recommended by the Select Committee, but having regard to the feelings of my mufassal brethren I am prepared to go up to half per cent. according to the amendment moved by Mr. P. N. Guha. I therefore support the amendment and oppose the motion of the Finance Member.

Babu AMULYA DHONE ADDY: I beg to oppose both the amendments. Sir, it has been alleged by the Hon'ble Mr. Donald that the state of Calcutta would be much worse than it is now if the Howrah bridge is not constructed or reconstructed. I beg to submit that owing to the construction of the Bally bridge very heavy quantities of goods from the stations on the East Indian Railway will be diverted

from Howrah to Sealdah, and I am informed by the Agent of the East Indian Railway himself that from the month of September next four trains will run direct to Sealdah; therefore as regards goods traffic as well as passenger traffic on the East Indian Railway a major portion of it will be diverted after the construction of the Bally bridge, from Howrah to Sealdah. Therefore I do not think that Calcutta will suffer very much if the Howrah bridge is not reconstructed at such a heavy cost.

The Hon'ble Mr. Donald appears to have forgotten that apart from taxation on the ratable value of land and buildings in Calcutta the citizens of Calcutta shall have to pay a tax under the last sub-clause of clause 8. As regards the ferry services, it is they who shall have to pay for it; it has been stated that it is Calcutta which is vitally interested. May I ask, Sir, as to whether the East Indian Railway as well as the Bengal-Nagpur Railway are not vitally interested also? Where is the terminal station? It is at Calcutta, and therefore if the bridge is not reconstructed, their income will materially come down. In the year 1899 when the Calcutta Municipal Bill was on the legislative anvil it was stated by the Hon'ble Member in charge of the Bill on behalf of Government in the case of the constitution of the General Committee of the Corporation of Calcutta that Calcutta is not like a mufassal town. It was the capital of Bengal and at that time the capital of the Government of India, and therefore it was decided that one-third of the members of the Committee should be elected by the Ward Commissioners, one-third by the nominated members and one-third direct by Government. So it appears that Calcutta being an Imperial city and being the seat of the Government of Bengal, two-thirds of the seats were allotted to Government, and what was the reason thereof? If a plague breaks out in Calcutta who will suffer? The trade and commerce of Calcutta will be seriously affected; the revenues of the Government of Bengal as well as those of the Government of India will be seriously affected. Therefore by "Calcutta we do not mean mufassal towns like Dacca and Burdwan. We must take it as an Imperial city. I do not think that even three-quarters per cent. will be necessary to meet the actual cost. It appears from the Report of the Howrah Bridge Committee for 1916 that Rs. 3,85,000 was realised from the goods carried by the East Indian Railway (deducting Rs. 4,60,000 for poll) and from passengers on the Bengal-Nagpur Railway about Rs. 27,000. If taxation is levied on goods carried by the Bengal-Nagpur Railway that will yield 2 lakhs of rupees, and as there is a provision in the Bill itself for a contribution of 5 lakhs by Government, we should have 10 lakhs from the railways and the Government of Bengal. We will also realise more than a lakh of rupees from the ferry services, about Rs. 50,000 from the tax on vehicles and, assuming that we realise one-quarter per cent. from the

Calcutta, Howrah and South Suburban Municipalities, it will be Rs. 2,25,000. This will give us a total of 14 lakhs, while we actually require only 13½ lakhs. Therefore I submit, Sir, that there is no necessity whatever for increasing the rate from one-quarter per cent. as recommended by the Select Committee to three-quarters per cent. as suggested by the Hon'ble Mr. Donald, or to half per cent. as suggested by Mr. Guha.

I am really sorry that although Mr. Donald is the Finance Member of this Government, he appears to be a little inconsistent because in the case of the cantilever type of bridge it was estimated to cost Rs. 31,70,000, but in this particular case he requires Rs. 13½ lakhs. In the former case it was proposed to levy a tax of one per cent.; is it necessary to levy now three-quarters per cent. in this case? I do not think so. It is not even necessary to levy half per cent. as suggested by Mr. Guha. It is the trade and commerce that is primarily interested in the reconstruction of the Howrah Bridge, Sir, and I think they, rather than the ordinary citizens of Calcutta, should bear this burden of taxation.

Then, Sir, I would draw your attention to the opinion expressed by one, for whose sound opinion His Gracious Majesty has been pleased to appoint as a Member of the Council of the Secretary of State for India,—I mean the Hon'ble Mr. Surendra Nath Mallik. He has stated in his learned note of dissent to the report of the Finance Committee:

"A new bridge between Calcutta and Howrah will serve not merely the people and trade of Calcutta and its neighbourhood, but also the thousands of people from outside who daily swarm into the city to enjoy its amenities, and profit by the opportunities its affords; it will also serve the enormous trade and commercial interests which radiate from Calcutta. In fact, its benefit to trade and commerce will far transcend the limits of the city or the province, and I maintain that the new bridge is not merely a local necessity but is a provincial and an imperial concern. No scheme of finance which does not recognize this cardinal fact will ensure a just and equitable incident."

Mr. PRESIDENT: Is that a long statement, Mr. Addy?

Babu AMULYA DHONE ADDY: Just one more line and I shall have finished: ". . . . and the proposals of the Committee are, in my opinion, vitiated by their initial mistake of regarding the bridge only in the nature of a local improvement."

From this it would appear that it is not a local improvement, it is an improvement for the benefit of the trade and commerce of Calcutta—nay,

I may say, the whole of India; it is an improvement for the benefit of the railway authorities; and it is also an improvement for the benefit of the Government of Bengal as well as the Government of India.

Dr. BIDHAN CHANDRA ROY: Sir, I believe there has been a motion—I was not present in the House—and also an amendment by Mr. Guha to reduce the tax proposed by the Hon'ble Mr. Donald from three-quarters to half per cent. When I came into the Chamber, Sir, I found that there are instruments on the tables of the Hon'ble Members which are meant to carry their spoken words to the different parts of the House. May I suggest that it is an unspoken word, which has been carried by the same instrument from the same source, which has made Mr. Guha propose the amendment for reducing the tax from three-quarters to half per cent.

As regards Mr. Birley's speech, Sir, I was very much surprised to see that the speech was merely the result of confused thought and bad logic. I do not know what relation has village reconstruction with the present proposal of fixing the taxation at one-quarter or three-quarters per cent. Sir, may I ask where was his great admiration for village reconstruction when he was proposing—or was a party to the proposal—to give some money out of the provincial revenues towards the construction of the Bally bridge, which was also of local importance. I ask him with pertinency what relation has the Sealdah station on the Eastern Bengal Railway to the proposal of increasing the fares on the East Indian Railway or the Bengal-Nagpur Railway. He has attacked Mr. Naliniranjan Sarker by saying that his tin of kerosine will cost him a little more than it cost before. But Mr. Naliniranjan Sarker says that he gets his tin from Sealdah and not from Howrah and he will not be impoverished thereby. But why do I say that his speech is the result of confused thought? Because he has tried to delude the members of this Council by saying that their tins of kerosine will cost them a little more. They are already paying the "increased" tax in that they are paying the increased cost. So that his argument that by raising the tax and in levying a tax of three-quarters per cent. we shall have to pay a little more for the tin of kerosine, is absolutely out of court. With regard to bad logic I have only one observation to make. He says that Calcutta has got to look after its own affairs and that bridge will improve Calcutta. I ask him one question: What does he mean by "Calcutta"? Does he not mean by "Calcutta" the big palatial buildings of the firms which carry on trade in Clive Street and Strand Road which will really be affected by the Howrah bridge? But if he was referring to the small land-holders or small house-owners in one of the obscure lanes, I may tell him that probably most of them have never seen it, and they may have no occasion to use it. But if there had been a proposal by Mr. Birley or Government, that they

will tax those people only who will mainly use the bridge, and through whose activities Calcutta has gained the reputation of being the second city of the Empire—I mean the big traders, to whom practically Calcutta owes its reputation—I would certainly have supported Mr. Birley's proposal of reducing the provincial taxation. But here is this proposal of increasing the tax-payer's contribution from one-quarter to three-quarters per cent. in order that the provincial contribution might be lightened. Had there been no proposal for a bridge before this Council, then would not the provincial towns have been equally affected? Why do you take a parochial view of the matter and say it is only for Calcutta? I say it is for the whole of India. And it is common knowledge that in the Select Committee we pressed Government time after time to ask the Government of India to contribute towards the upkeep and the construction of the Howrah bridge. I find that I am not alone in this attitude of the matter. Mr. Campbell Forrester, who was also a member of the Select Committee, seemed to think that although the Government of Bengal had so far been unsuccessful, the refusal of the Government of India to contribute towards the cost of the Howrah bridge was due to the fact that the bridge was going to be of a floating type, though they had agreed to contribute if it had been of a permanent type. This logic is to my mind absolutely incomprehensible. I cannot follow what is meant by the word "permanent" in this matter. The present Howrah bridge which is a floating bridge has lasted for more than 50 years, and if only the Government of India were pressed,—and I offer the Hon'ble Mr. Donald my services in that respect—if he can convince the Government of India that after all the future Howrah bridge will serve the interests of the whole of India for the next 50 years or more; I still think that the decided opinion of the Government of India may yet be modified. There is another point to which I would draw the attention of the members of this House: the Hon'ble Mr. Donald in his note of dissent says that it may be that the new appraisement of the cost may prove to be less than what we have thought it to be. Well, in that case my proposition is this: if we agree to one-half or three-quarters per cent. there is no point in the suggestion that the Government of Bengal should go up to the Government of India asking them to contribute. From that point of view alone I would stress the point that we should stick to one-quarter per cent. for the present, and if the Government of India refused to give us help, the Government of Bengal should then bring in an amending Bill for raising the rate from one-quarter to one-half per cent.

Mr. A. C. BANERJEE: Mr. President, Sir, I should like to point out to the House that neither the Calcutta members—members representing Calcutta constituencies—nor the members coming from the

mufassal should lend their support to the Bill. I for myself will oppose the Bill root and branch. I say that the Bill is not at all necessary and I shall presently show why I say so. But before I do so, I should like to point out to the House that Calcutta cannot afford to pay any more taxes. Only recently this House tacked on to the Corporation of Calcutta new areas, viz., Cossipore-Chitpore, Manicktolla, and Garden Reach. Two of these areas at all events are not paying. One of them is a wilderness, I mean the Garden Reach area. Calcutta has got to bring these areas on to its own level. For that purpose large sums of money are required. Crores and crores of rupees have got to be spent before we can provide for the water-supply, drainage, etc., of these areas: that means taxation. As a matter of fact up to now some of the added areas—areas which were added to Calcutta in 1888, such as, Entally, Beniapukur and Chetla sections—have not got the same amenities as old Calcutta: although in 1888, when these areas were tacked on to Calcutta, an assurance was given that within six years these areas would be put on the same footing as Calcutta, as regards civic amenities. But they have not been attended to yet. Why? Because there were no funds available. It cannot be said that the Calcutta Corporation wasted its money, that there was bad administration of its funds; for after all it is the members of the Civil Service—the infallible heaven-born service—who ruled Calcutta till two or three years ago, supported by Clive Street. So with all the resources of a civilian brain the Calcutta Corporation have not been able to give the ordinary amenities to areas added on to it so long ago as 1888, and that because they have not got the money. Does it now lie in the mouth of any one to say that we should tax Calcutta for the Howrah bridge which means that we should rob Calcutta, new and old, of the amenities to which it is entitled? We have not been able to give primary education to the bustee people: we have not been able to provide good water-supply for them: we have not been able to make provision for a cheaper milk-supply: nor have we been able to bring medical relief to the door of the poor bustee people—and the majority of these people are Muhammadans, for want of funds. The Calcutta Corporation want to help these bustee people and you want to prevent them from doing their duty towards these poor citizens by depriving them of a portion of their income. That certainly should not be permitted to be done. Now, Sir, as regards the mufassal, the Hon'ble Mr. Birley as well as the Hon'ble Mr. Donald have told us that if we can save a couple of lakhs of rupees from the provincial revenues by taxing Calcutta more heavily, Government will be able to allocate such saving for purposes of improvement in the mufassal. May I ask since when has this sympathy been developed by Government for the mufassal? The mufassal has been under their step motherly care for the last 200 years. During this period the water-supply has diminished in the mufassal—the mufassal

where there were *patsalas* almost in every village is without any arrangement for education—the mufassal where there were *Kavirajes* who gave medical relief to the people there has no medical relief today. You have had the whole of the mufassal revenue for close upon two centuries to administer. And what have you done to give relief to the mufassal people? Sad to tell that what they had has been taken away from them and now you wish to delude them by saying that it is for the benefit of the mufassal people that you are taxing Calcutta. It is certainly dragging a red herring across the trail. It is the old principle of divide and rule—the same old principle which you have so successfully applied in embittering Hindu-Moslem feelings. It seems that you have found in Mr. Guha a great champion for the half per cent. additional taxation of Calcutta: I do not know whether Mr. Priyanath Guha represents the mufassal or Calcutta. In fact I do not know whom he represents. He reminds me of that great confederacy—that confederacy of great renown—I mean the three Tailors of Tooley Street. He has told us, Sir, he has appealed to his mufassal brethren not to vote for the benefit of the Calcutta people, but they will, I am sure, understand his motive. They can see through his game which after all is the game of the Government which he has been put up to play.

I certainly do not think, as I have said at the outset, that any bridge is at all necessary. And in this I am supported by no less an authority than a great Engineer and a Scotchman to boot, and as such I think his opinion will command more respect from the Hon'ble Mr. Donald. He is the Chief Engineer of the Calcutta Corporation. He has told many of us that this bridge can be kept going efficiently for another 25 years and more. It is like a Ford Car. You have only got to change the parts and it will give service for ever so long. Under these circumstances neither the mufassal members nor the Calcutta members need vote for the Bill at all. They should oppose the Bill root and branch. We do not want a new bridge. Have a cantilever bridge by all means if you can afford it. But wait till you get the Government of India on its knees. They are as much interested as the Government of Bengal, but they will not pay.

Then, Sir, I do not understand why the Bengal-Nagpur Railway should not contribute anything.

Mr. PRESIDENT: That question is not before the Council now. You should not refer to it.

Mr. A. C. BANERJEE: We can afford to wait for another 10 or 15 years till the Government of India comes to terms with us. Undoubtedly another bridge will give us better amenities, but it is not so very urgent as it has been attempted to make out. Let us have

the Government of India come to terms. Let them be more reasonable and make their contribution. We can wait till it does so, and until that is done I do not think we should be hurried into passing a Bill which means additional taxation to mufassal no less than to Calcutta.

KHAJE NAZIMUDDIN: Sir, the arguments that have been advanced by the representatives of the Calcutta people are that they are already groaning under municipal taxation and that it is already very high and therefore they cannot afford to bear any further taxation. The last speaker has dwelt a great deal on the hardship of the Calcutta people especially that the Calcutta Corporation cannot make any kind of improvements or give any benefits to the areas that had been added sometime ago. As far as these areas are concerned I believe the addition of ¾ per cent. will not affect them very much, because at present the Corporation tax is about 19½ per cent. They are not contemplating to increase it to 20 per cent. Their income will remain the same and, therefore, whatever they may have to give to these areas will have to be given from 19½ per cent. This additional ¾ per cent. will not tell upon the people of Calcutta very much. But the mufassal people are already heavily taxed as also all municipalities and District Boards. Sir, the whole question is that the people of Calcutta will derive all the advantages and benefit from the bridge and it is therefore fair and reasonable that the people of Calcutta should bear the greater portion of the cost. Sir, the constituency which I have the honour to represent here in this Council will not understand why they should be called upon to contribute for a bridge that is going to be constructed in Calcutta and for the benefit of Calcutta. Therefore it seems to me that it would be reasonable if the town of Calcutta should contribute three-fourths and the rest of the province only the remainder that is one-fourth.

Maulvi SAYYED SULTAN ALI: It is a matter of great regret that almost all the non-official speakers of this House have tried to save Calcutta at the cost of mufassal. The hon'ble speakers conveniently forget that Calcutta will derive the greatest benefit by the bridge. Although they have totally failed to show that mufassal will be greatly or at least equally benefited still they maintain that mufassal should pay at least half if not ¾. Sir, as the mufassal people will get very little benefit it should have been entirely excluded. In any case it ought not to contribute more than ¼ as suggested by the Hon'ble Finance Member. Sir, one argument has been put forward by almost all the speakers that Calcutta cannot pay any more. If Calcutta people are to live in luxurious style, make immense profit out of business lands and houses it must pay more. It is no argument to say that Calcutta has paid in various ways and cannot pay any more.

The motion that in clause 8 (*i*), line 1, for the words "one-quarter" the words "three-quarters" be substituted being put a division was taken with the following result:—

AYES.

Ahmed, Maulvi Tayebuddin.
Ali, Maulvi Sayyed Sultan.
Barton, Mr. H.
Birley, the Hon'ble Mr. L.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Child, Mr. R. H.
Cooper, Mr. C. D.
Crawford, Mr. T. C.
Das, Rai Bahadur Amar Nath.
Davis, Mr. J. Cooper.
De, Mr. K. C.
Donald, the Hon'ble Mr. J.
Drummond, Mr. J. G.
Faroqui, Khan Bahadur K. G. M.
Forrester, Mr. J. Campbell.
Ghuznavi, Hadji Mr. A. K. Abu Ahmed Khan.
Haq, Khan Bahadur Kazi Zahirul.
Heard, Major General Richard.
Hodgson, Mr. R. C.
Hogg, Mr. G. P.
Hopkyns, Mr. W. S.
Hossain, Nawab Musharruf, Khan Bahadur.
Huq, Maulvi Ekramul.
Jonnaway, Mr. J. H.
Lal Mahammed, Haji.
Lindsay, Mr. J. H.
Masih, Mr. Syed M.
McAlpin, Mr. M. C.
McKenzie, Mr. D. P.
Moberly, Mr. A. N.
Morane, Dr. H. W. B.
Nazimuddin, Khaje.
Patterson, Mr. D. C.
Philip, Mr. J. Y.
Quader, Maulvi Abdul.
Rahim, Sir Abd-ur-.
Ray, Babu Nagendra Narayan.
Roy, the Hon'ble Maharaja Bahadur Kshaunish Chandra, of Nadia.
Roy, Mr. S. N.
Simpson, Mr. J. W. A.
Stapleton, Mr. H. E.
Travers, Mr. W. L.
Wilson, Mr. R. S.

NOES.

Addy, Babu Amulya Dhone.
Ahamad, Maulvi Asimuddin.
Ahmed, Maulvi Zenneer.
Bagchi, Babu Remes Chandra.
Banerjee, Dr. Pramathanath.
Banerjee, Babu Satya Kishore.
Banerjee, Mr. A. C.
Biswas, Mr. Abdul Latif.
Bose, Babu Bejay Krishna.
Chakravarti, Mr. Syamkes.
Chakraverty, Babu Sudarsan.
Chaudhuri, Maulvi Saiyed Abdur Rob.
Chunder, Mr. Nirmal Chandra.
Das, Babu Charu Chandra.
Das, Dr. Mohini Mohan.
Dey, Babu Soreda Prasad.
Gafur, Maulvi Abdul.
Ganguly, Babu Khagendra Nath.
Goenka, Rai Bahadur Badridas.
Guha, Mr. P. N.
Haidar, Mr. S. N.
Hoque, Maulvi Sayedul.
Hossain, Maulvi Wahed.
Huq, Mr. Mahbubul.
Jaardar, Maulvi Aftab Hossain.
Khaitan, Babu Debi Prasad.
Khan, Babu Bahendra Lal.
Khan, Maulvi Abdur Rasehid.
Khan, Maulvi Amanat.
Khan, Maulvi Mahi Uddin.
Mahammad, Maulvi Bazar.
Maity, Babu Mahendra Nath.
Mitra, Babu Jogendra Nath.
Mitter, Sir Prevash Chunder.
Mukerjee, Babu Taraknath.
Mukerji, Mr. S. C.
Nasker, Babu Hem Chandra.
Naikat, Mr. Prasanna Deb.
Ray, Babu Abanish Chandra.
Roy, Babu Surendra Nath.
Ray, Dr. Kumud Sankar.
Ray Chaudhuri, Mr. K. C.
Roy, Babu Manmatha Nath.
Roy, Babu Satcowripati.
Roy, Dr. Bidhan Chandra.
Ray, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy, Raja Manilell Singh, of Chakdighi.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarkar, Babu Hemanta Kumar.
Sarker, Babu Nalinaranjan.
Sasmal, Mr. B. N.
Sen, Mr. M. C.
Sen Gupta, Mr. J. M.
Suhrawardy, Mr. H. S.

The Ayes being 43 and the Noes 55, the motion was lost.

The motion that in clause 8 (*i*), line 1, for the words "one-quarter" the words "one-half" be substituted was then put and a division taken with the following result:—

AYES.

Ahmed, Maulvi Tayebuddin.
Ali, Maulvi Sayyed Sultan.
Barton, Mr. H.
Birley, the Hon'ble Mr. L.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Child, Mr. R. H.
Cooper, Mr. C. G.
Crawford, Mr. T. C.
Das, Babu Charu Chandra.
Das, Rai Bahadur Amar Nath.
Davis, Mr. J. Couper.
De, Mr. K. C.
Donald, the Hon'ble Mr. J.
Drummond, Mr. J. G.
Faroqui, Khan Bahadur K. G. M.
Forrester, Mr. J. Campbell.
Ghuznavi, Hadji Mr. A. K. Abu Ahmed Khan.
Goenka, Rai Bahadur Badridas.
Guha, Mr. P. N.
Haq, Khan Bahadur Kazi Zahirul.
Heard, Major General Richard.
Hodgson, Mr. R. C.
Hogg, Mr. G. P.
Hopkyns, Mr. W. S.
Hossain, Nawab Musharruf, Khan Bahadur.
Huq, Maulvi Ekramul.
Jennaway, Mr. J. H.
Khaitan, Babu Debi Prosad.
Lal Mahammed, Haji.
Lindsay, Mr. J. H.
Masih, Mr. Syed M.
McAlpin, Mr. M. B.
McKenzie, Mr. D. P.
Moberly, Mr. A. H.
Morene, Dr. H. W. B.
Mukerji, Mr. S. C.
Nazimuddin, Khaje.
Patterson, Mr. D. C.
Philip, Mr. J. Y.
Quader, Maulvi Abdul.
Rahim, Sir Abd-ur-.
Raikat, Mr. Prasanna Deb.
Ray, Babu Nagendra Narayan.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra, of Nadia.
Ray Chaudhuri, Mr. K. C.
Ray, Mr. S. N.
Roy, Raja Manilell Singh, of Chakdighi.
Simpson, Mr. J. W. A.
Stapleton, Mr. H. E.
Travers, Mr. W. L.
Wilson, Mr. R. B.

NOES.

Addy, Babu Amulya Dhone.
Ahamad, Maulvi Asimuddin.
Ahmed, Maulvi Zameer.
Bagchi, Babu Remes Chandra.
Banerjee, Dr. Pramathanath.
Banerjee, Babu Satya Kishore.
Banerjee, Mr. A. C.
Basu, Babu Sarat Chandra.
Biswas, Mr. Abdul Latif.
Bose, Babu Bejoy Krishna.
Chakravarti, Mr. Syamkes.
Chakraverty, Babu Sudarsan.
Chaudhuri, Maulvi Saiyed Abdur Rob.
Chunder, Mr. Nirmal Chandra.
Das, Dr. Mohini Mohan.
Dey, Babu Beroda Prosad.
Gatur, Maulvi Abdul.
Ganguly, Babu Khagendra Nath.
Haider, Mr. S. N.
Haq, Shah Syed Emdadul.
Hoque, Maulvi Sayedul.
Hossain, Maulvi Wahed.
Huq, Mr. Mahbubul.
Jeardar, Maulvi Aftab Hossain.
Khan, Babu Debendra Lal.
Khan, Maulvi Abdur Rashid.
Khan, Maulvi Amanat.
Khan, Maulvi Mahi Uddin.
Mahammad, Maulvi Basar.
Maity, Babu Mahendra Nath.
Mitra, Babu Jogendra Nath.
Mitter, Sir Provash Chunder.
Mukerjee, Babu Taraknath.
Nasker, Babu Hem Chandra.
Ray, Babu Abanish Chandra.
Ray, Babu Surendra Nath.
Ray, Dr. Kumud Sankar.
Roy, Babu Manmatha Nath.
Roy, Babu Satcowripati.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Ray Choudhuri, Rai Bahadur Satyendra Nath.
Sarkar, Babu Hemanta Kumar.
Sarker, Babu Nalniranjan.
Sasmal, Mr. B. N.
Sen, Mr. N. C.
Sen Gupta, Mr. J. M.
Suhrawardy, Mr. H. S.
Tarafdar, Maulvi Rajib Uddin.

The Ayes being 51 and the Noes 50 the motion was carried.

Babu AMULYA DHONE ADDY: I beg to move that clause 8 (*ii*) be omitted.

Under this sub-clause it is proposed to levy a tax of not more than one- quarter per cent. on the annual ratable value of holdings situated within the municipalities of Howrah and Tollygunge and within the South Suburban Municipality. We all know the insanitary condition of Howrah and therefore there is a proposal to take Howrah under the operations of the Calcutta Improvement Trust and I am informed they will require about a crore of rupees for the drainage and other improvements of Howrah. The amount of rates prevailing there ranges from 24 to 28½ per cent. In Calcutta it is 19½ per cent. I therefore beg to submit that though Howrah is interested in the construction of this bridge, having regard to the fact that the existing rates levied on the rate-payers of Howrah are prohibitive in comparison with Calcutta, they should be exempted from the payment of this tax, especially as in the case of Calcutta the rate has been increased from ¼th to ½ per cent. I also fail to understand as to why the inhabitants of the South Suburban and Tollygunge Municipalities have been called upon to contribute towards the cost of this bridge, since the nearest distances of the South Suburban and Tollygunge Municipalities from the Howrah bridge are 8 and 7 miles respectively. Though Baranagar and Kamarhati are only four miles from the bridge there is no proposal to tax the people of these places, and in that case I submit there is no justification for levying such a tax on the poor inhabitants of Tollygunge and Behala.

The Hon'ble Mr. J. DONALD: Sir, no valid reasons have been adduced to exempt these municipalities from the payment of this tax and I therefore oppose the amendment.

The motion of Babu Amulya Dhone Addy was then put and lost.

The Hon'ble Mr. J. DONALD: May I have your permission, Sir, to amend my amendment, following the decision arrived at by the Council on the last clause?

Mr. PRESIDENT: Yes.

The Hon'ble Mr. J. DONALD: I beg to move that in clause 8 (*ii*), line 1, for the words "one-quarter" the words "one-half" be substituted.

All the suburban municipalities and Howrah in particular are interested in the bridge and it is fair that they should pay their share.

The motion was then put and a division taken.

AYES.

Ahmed, Maulvi Tayebuddin.
Ali, Maulvi Sayyed Sultan.
Barton, Mr. H.
Birley, the Hon'ble Mr. L.
Child, Mr. R. H.
Cohen, Mr. D. J.
Cooper, Mr. C. G.
Crawford, Mr. T. C.
Das, Babu Charu Chandra.
Das, Rai Bahadur Amar Nath.
Davie, Mr. J. Couper.
De, Mr. K. C.
Donald, the Hon'ble Mr. J.
Drummond, Mr. J. D.
Farequi, Khan Bahadur K. G. M.
Forrester, Mr. J. Campbell.
Ghuznavi, Hadji Mr. A. K. Abu Ahmed Khan.
Goenka, Rai Bahadur Badridas.
Guha, Mr. P. N.
Haq, Khan Bahadur Kazi Zahirul.
Heard, Major General Richard.
Hodgson, Mr. R. C.
Hogg, Mr. G. P.
Hopkyns, Mr. W. S.
Hossain, Nawab Musharruf, Khan Bahadur.
Huq, Maulvi Ekramul.
Jennaway, Mr. J. H.
Khaitan, Babu Debi Prasad.
Lal Mahammed, Haji.
Lindsay, Mr. J. H.
Masih, Mr. Syed M.
McAlpin, Mr. M. C.
McKenzie, Mr. D. P.
Moberly, Mr. A. N.
Morsne, Dr. H. W. B.
Mukerji, Mr. S. C.
Nazimuddin, Khaje.
Patterson, Mr. D. C.
Philip, Mr. J. Y.
Quader, Maulvi Abdul.
Ray, Babu Nagendra Narayan.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra, of Nadia.
Ray Chaudhuri, Mr. K. C.
Roy, Mr. S. N.
Ray, Raja Manilell Singh, of Chakdighi.
Simpson, Mr. J. W. L.
Stapleton, Mr. H. E.
Travers, Mr. W. L.
Wilson, Mr. R. B.

NOES.

Addy, Babu Amulya Dhone.
Ahamad, Maulvi Asimuddin.
Ahmed, Maulvi Zannoor.
Bagchi, Babu Ramee Chandra.
Banerjea, Dr. Pramathanath.
Banerjee, Mr. A. C.
Basu, Babu Sarat Chandra.
Biswas, Mr. Abdul Latif.
Bose, Babu Bejoy Krishna.
Chakravarti, Mr. Syomkes.
Chakraverty, Babu Sudarsan.
Chaudhuri, Maulvi Saiyed Abdur Rob.
Chowdhury, Maulvi Fazlal Karim.
Chunder, Mr. Nirmal Chandra.
Das, Dr. Mohini Mohan.
Dey, Babu Beroda Prasad.
Gafur, Maulvi Abdul.
Ganguly, Babu Khagendra Nath.
Haidar, Mr. S. N.
Hoque, Maulvi Sayedal.
Hossain, Maulvi Wahed.
Huq, Mr. Mahbubul.
Jeardar, Maulvi Aftab Hossain.
Khan, Babu Debendra Lal.
Khan, Maulvi Abdur Rasehid.
Khan, Maulvi Amanat.
Khan, Maulvi Mahi Uddin.
Mahammad, Moulvi Basar.
Maity, Babu Mahendra Nath.
Mitra, Babu Jogendra Nath.
Mitter, Sir Provash Chunder.
Mukerjea, Babu Taraknath.
Nasker, Babu Hem Chandra.
Raikat, Mr Prasanna Deb.
Ray, Babu Abanish Chandra.
Ray, Babu Surendra Nath.
Ray, Dr. Kumud Sankar.
Roy, Babu Manmatha Nath.
Ray, Babu Satcowripati.
Roy, Dr. Bidhan Chandra.
Ray, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarkar, Babu Hemanta Kumar.
Sarker, Babu Nalinaranjan.
Sasmal, Mr. B. N.
Sen, Mr. N. C.
Sen Gupta, Mr. J. M.
Suhrawardy, Mr. H. S.
Tarafdar, Maulvi Rajib Uddin.

Mr. PRESIDENT: It appears that the Hon'ble Nawab Bahadur has voted in both the lobbies. Has the Hon'ble Nawab Bahadur anything to say?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur: I only came through the passage into the Chamber.

Mr. PRESIDENT: Anyway as you passed the "teller" while the division was still in progress, the teller had no option but to record your vote. I am sorry I am compelled in the circumstances to direct that the Hon'ble Nawab Bahadur's vote must be expunged from both side. The result is:

For the amendment 49 against the amendment 50, the motion of the Hon'ble Mr. J. Donald is therefore lost.

The Hon'ble Mr. J. DONALD: I beg to move that in clause 8 (*iii*), line 1, after the words "a tax of" the words "not more than" be inserted.

This is a pure drafting amendment and it makes no alteration in substance.

Dr. PRAMATHANATH BANERJEA: Is there not an essential difference between the two?

The Hon'ble Mr. J. DONALD: There is no difference at all. There is provision to vary the rate, but this merely makes the drafting of the various clauses similar to one another.

The motion was then put and agreed to.

Babu AMULYA DHONE ADDY: I beg to move that in clause 8 (*iii*), line 1, after the word "goods" the words "except salt, coal and coke" be inserted.

It will appear that under this sub-clause there is a proposal to levy a tax of 2 pies on every maund of goods carried on the East Indian Railway. My proposal is that certain goods may be exempted from this taxation, namely, salt, coal and coke. We all know that salt is absolutely necessary to all the people and especially the poorest of the poor. Therefore, they should be exempted from further taxation. In the case of coal, there is a good depression of trade, and, as will appear from the report of the Indian Coal Committee of 1925, owing to this depression about half of the collieries, especially second class collieries, have been closed. The export of coal to foreign countries has been going down from year to year. In the year 1920, as will appear from page 194 of that report, the total quantity of coal exported from Calcutta to foreign countries was 2,401,000 tons. In the year 1922—in the course of two years—it came down to 9,04,000 tons. In the year 1923 it went up to 1,063,000 tons. As regards the existing rate of freight of coal from Jheria to Howrah, you will be astonished to learn that there has been an increase in the rate of freight by 45 per cent. during the last 12 years. In 1913 it was Rs. 3-2 per ton;

in 1917 the terminal charge was two annas per ton; in 1922 the rate of freight was Rs. 4 and in addition there was a terminal charge of 4 annas; in 1924 the rate was increased to Rs. 4-8-6. So we see, Sir, that during the last 12 years the rate of freight has been increased from Rs. 3-2-0 to Rs. 4-8-6 per ton. In the original Bill salt was exempted but I fail to understand as to why the Select Committee have thought it fit not to exclude salt and coal from the tax. Under the Howarh Bridge Act of 1871 there was no exemption but the local Government was authorised to give exemption from time to time on the representation of the mercantile community of Calcutta, and the Government of Bengal were pleased to exempt coal from the tax and it has been so since the year 1877. In the case of other goods a rate of two pies per maund is not heavy but rather moderate but in the case of coal it is a heavy one, because the ordinary price of second grade coal is Rs. 7-8-0 per ton and there a tax of two pice means 4 per cent. on coal and 3 pice on coke should be expunged as it would be very heavy. As regards coal——

Mr. PRESIDENT: Please make your statement brief, as the Hon'ble Mr. Donald has got a similar amendment to move.

Babu AMULYA DHONE ADDY: The Corporation of Calcutta have resolved that not only coal and salt but coke also should be exempted from the tax and I hope Government will accept it.

The Hon'ble Mr. J. DONALD: I beg to move that in clause 8 (*iii*), line 1, after the word "goods" the words "except salt, manganese ore and coal" be inserted.

These particular items of goods were in the original Bill but the Select Committee removed them; I do not know or remember why. Salt and coal are already exempted and the exclusion of manganese ore also will make no difference to the revenue. Manganese is principally carried by the Bengal-Nagpur Railway and if it is taxed on this side it will go the other way to Bombay. This amendment brings in the Bengal-Nagpur Railway which is the subject of the next amendment, an amendment for which I believe there is considerable support and I am prepared to accept it if the present amendment is agreed to. The exclusion of manganese ore is not going to affect the financial position.

Dr. BIDHAN CHANDRA ROY: May I know if he means that it won't affect our financial position whether we levy a tax on manganese or not.

The Hon'ble Mr. J. DONALD: Yes. Manganese will go the other way if we do impose the tax and we will lose the trade.

Babu DEBI PROSAD KHAITAN: There is just one question which I would like to ask the Hon'ble Mr. Donald as regards the amendment

whether or not he thinks that coke is included in coal. We have always thought that coke is one form of coal but the ambiguity which has arisen is simply due to the fact that Babu Amulya Dhone Addy has specially mentioned the word "coke" whereas the Hon'ble Mr. Donald has used the word "coal". In commercial terminology these two terms are the same and I hope Government will be pleased to see that coke is also exempted from taxation.

Mr. PRESIDENT: Mr. Donald, can you answer the question whether coke is included in coal?

The Hon'ble Mr. J. DONALD: I do not think so, but I do not mind accepting that particular point. I do not think it will affect our revenue very much.

Babu DEBI PROSAD KHAITAN: May I have your permission to move that the words "and coke" be added to the amendment of the Hon'ble Mr. Donald?

The Hon'ble Mr. J. DONALD: It is really a combination of the two amendments.

Babu AMULYA DHONE ADDY: I beg to withdraw my amendment in favour of the amendment of the Hon'ble Mr. Donald provided he be good enough to include "coke".

The Hon'ble Mr. J. DONALD: I have no objection.

The motion of Babu Amulya Dhone Addy was then, by leave of the Council, withdrawn.

The following motion was then put and agreed to:—

"That in clause 8 (*iii*), line 1, after the word "goods" the words "except salt, manganese ore, coal and coke" be inserted.

Dr. PRAMATHANATH BANERJEA: I beg to move that in clause 8 (*iii*), line 2, after the words "East Indian Railway" the words "and the Bengal-Nagpur Railway" be inserted.

Sir, the Finance Committee proposed that the Bengal-Nagpur Railway should be included in the list of bodies mentioned in the Bill. When opinions were invited on the proposals of the Finance Committee, all public bodies agreed to the inclusion of the Bengal-Nagpur Railway. Even the Agent of the Bengal-Nagpur Railway himself did not object. But then the paternal Government stepped in and the Bengal-Nagpur Railway was excluded. I do not know the reason why. Perhaps the reason which weighed with the Government of India was that the Bengal-Nagpur Railway was a company-managed railway.

Mr. PRESIDENT: I do not really quite follow you. Are you referring to what happened in the Select Committee?

Dr. PRAMATHANATH BANERJEA: No, I am only making general remarks. I refer to the Finance Committee's proceedings. The Government of India stepped in and wanted to exclude the Bengal-Nagpur Railway. I do not know what the reason was. When the existing Howrah bridge was built, the Bengal-Nagpur Railway had not come into existence. Therefore, in the first Act that railway was not included. But when the Bengal-Nagpur Railway was constructed, a lump sum was obtained from it in lieu of the tax levied on the passengers and goods carried by that railway. Now, even this lump sum has been excluded from the present Bill; and the reasons have not been assigned. It seems that the Government of India are willing to encourage——

Mr. PRESIDENT: Order, order. I think the original Bill included the Bengal-Nagpur Railway. It is the Select Committee which proposed its exclusion.

Dr. PRAMATHANATH BANERJEA: Yes, Sir, but we are at present considering the Bill as amended by the Select Committee.

Mr. PRESIDENT: Why do you drag in the Government of India. You must confine your remarks to the recommendations of the Select Committee.

Dr. PRAMATHANATH BANERJEA: All right, Sir. The Bill, as it stands, does not include the Bengal-Nagpur Railway. I do not know what the exact reasons are, and I am not permitted to disclose what I know. But it seems to me that there is in some quarters a desire to favour the Bengal-Nagpur Railway, which is a company-managed railway, at the expense of the East Indian Railway, which is a State-managed railway. This is not right. I hope Government will accept my amendment.

Babu AMULYA DHONE ADDY: I beg to support the amendment which has been moved by Dr. Pramathanath Banerjea. It will appear from the Bill that there is a proposal——

Mr. PRESIDENT: Have you anything new to say?

Babu AMULYA DHONE ADDY: Yes, Sir. Under the original Bill goods carried by the East Indian Railway and the Eastern Bengal Railway are subject to a tax. There is justification in exempting goods on the Eastern Bengal Railway because goods are unloaded not at Howrah in that case, but there does not appear any justification whatever for exempting goods carried by the Bengal-Nagpur Railway. I am informed by a member of the Select Committee that they were under a misapprehension——

Mr. PRESIDENT: I cannot allow you to refer to what a member of the Select Committee told you.

Babu AMULYA DHONE ADDY: However it is generally alleged that goods from the Bengal-Nagpur Railway are unloaded at Shalimar and not at Howrah. But I beg to submit that it is only goods which are exported to Kidderpore Docks that pass through the Shalimar station. In the case of goods on the East Indian Railway, they pass through Naihati and Sealdah junctions to the Kidderpore Docks but goods carried by the Bengal-Nagpur Railway go to Howrah, and therefore as both the railways will be benefited considerably I hope the Bengal-Nagpur Railway will be included.

The Hon'ble Mr. J. DONALD: There is a good deal to be said for this amendment. Provision for this was made in the original Bill but by the Select Committee's decision for a bridge of the cheapest design this had to go out in view of the attitude of the Government of India. However it was a case of try and try again and I am prepared to accept the amendment.

Babu DEBI PROSAD KHAITAN: May I have your permission to speak although the Government Member has already replied? Although Government have accepted this amendment the House has not done so yet and I want to show why this amendment should not be accepted in spite of Government's acceptance of it.

Mr. PRESIDENT: You ought to have caught my eye earlier.

The motion that in clause 8 (*iii*), line 2, after the words "East Indian Railway" the words "and the Bengal-Nagpur Railway" be inserted, was then put and agreed to.

The following motion was not put as it was covered by the foregoing decision of the Council:—

Babu AMULYA DHONE ADDY to move that in clause 8 (*iii*), line 2, after the word "Railway" the words "and the Bengal-Nagpur Railway" be inserted."

The Hon'ble Mr. J. DONALD: I beg to move that in clause 8 (*iv*), line 1, after the words "a tax of" the words "not more than" be inserted.

This is the same drafting amendment to which I referred in connection with clause 3.

The motion was put and agreed to.

Babu AMULYA DHONE ADDY: Sir, I beg to move that in clause 8 (*iv*), lines 1 and 2, for the words "that Railway" the words "those Railways" be substituted. It is merely a consequential amendment.

The motion was put and agreed to.

Babu AMULYA DHONE ADDY: Sir, I beg to move that in the proviso to clause 8 (*iv*), line 3, for the word "six" the word "four" be substituted.

It will appear from the proviso that the tax on passengers taking suburban season tickets may be calculated at the rate of six annas per mensem, and my suggestion is that this may be reduced to four annas. We all know that these passengers belong to working classes—mainly clerks—and they cannot afford to pay six annas in addition to the six annas for each ticket which is payable to the Calcutta Improvement Trust. It was further intended that these passengers should be exempted from all taxation whatever. I, therefore, suggest that the amount be reduced from six annas to four annas.

The motion was then put and a division taken with the following result:—

AYES.

Addy, Babu Amulya Dhone.
Ahamad, Maulvi Asimuddin.
Ahmed, Maulvi Zannoor.
Bagchi, Babu Homes Chandra.
Banerjea, Dr. Pramathanath.
Banerjee, Mr. A. C.
Basu, Babu Sarat Chandra.
Biswas, Mr. Abdul Latif.
Bose, Babu Bejay Krishna.
Chakraverty, Babu Sudarsan.
Chaudhuri, Maulvi Saiyed Abdur Rob.
Chaudhury, Maulvi Md. Nurul Huq.
Chunder, Mr. Nirmal Chandra.
Das, Dr. Mohini Mohan.
Dey, Babu Sorada Prasad.
Gafur, Maulvi Abdul.
Ganguly, Babu Khagendra Nath.
Haldar, Mr. S. N.
Haq, Shah Syed Emdadul.
Hoque, Maulvi Sayedul.
Hossain, Maulvi Wahed.
Huq, Mr. Mahbubul.
Jeardar, Maulvi Aftab Hossain.
Khan, Babu Debendra Lal.
Khan, Maulvi Abdur Rasohid.
Khan, Maulvi Amanat.
Khan, Maulvi Mahi Uddin.
Mahammad, Maulvi Basar.
Maity, Babu Mahendra Nath.
Mitra, Babu Jogendra Nath.
Mukerjea, Babu Taraknath.
Nasker, Babu Hem Chandra.
Quader, Maulvi Abdul.
Saikat, Mr. Prasanna Deb.
Ray, Babu Abanish Chandra.
Ray, Babu Surendra Nath.
Ray, Dr. Kumud Sankar.
Ray, Babu Manmatha Nath.
Ray, Babu Satcowripati.
Ray, Dr. Sidhan Chandra.
Ray, Mr. D. N.
Ray, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarkar, Babu Hemanta Kumar.
Sarker, Babu Nalinirnjan.
Sasmal, Mr. S. N.
Sen, Mr. N. C.
Sen Gupta, Mr. J. M.
Tarafdar, Maulvi Rajib Uddin.

NOES.

Barton, Mr. H.
Birley, the Hon'ble Mr. L.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Child, Mr. R. N.
Dobson, Mr. B. J.
Cooper, Mr. C. G.
Crawford, Mr. T. C.
Das, Babu Charu Chandra.
Das, Rai Bahadur Amar Nath.

Davis, Mr. J. Cooper.
De, Mr. K. C.
Donald, the Hon'ble Mr. J.
Drummond, Mr. J. G.
Faroqui, Khan Bahadur K. G. M.
Forrester, Mr. J. Campbell.
Ghuznavi, Hadji Mr. A. K. Abu Ahmed Khan.
Goenka, Rai Bahadur Badridas.
Guha, Mr. P. N.
Heard, Major General Richard.
Hodgson, Mr. R. C.
Hogg, Mr. G. P.
Hopkyns, Mr. W. S.
Jennaway, Mr. J. H.
Khaitan, Babu Debi Prasad.
Lindsay, Mr. J. H.
McAlpin, Mr. M. C.
McKenzie, Mr. D. P.
Mitter, Sir Provash Chunder.
Moberly, Mr. A. H.
Morelle, Dr. H. W. B.
Mukerji, Mr. S. C.
Patterson, Mr. D. C.
Philip, Mr. J. Y.
Ray, Babu Nagendra Narayan.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra, of Nadia.
Ray Chaudhuri, Mr. K. C.
Roy, Mr. S. N.
Roy, Raja Manilal Singh, of Chakdighi.
Simpson, Mr. J. W. A.
Stapleton, Mr. N. E.
Travers, Mr. W. L.
Wilson, Mr. R. B.

The Ayes being 49 and the Noes 42, the motion was carried.

Mr. PRESIDENT: Mr. Addy, as there are only five minutes left, you had better move motions Nos. 42V and 42W, which stand in your name together.

Babu AMULYA DHONE ADDY: Sir, I beg to move—

(*i*) that clause 8 (*vi*) be omitted; and if it is not accepted,

(*ii*) that in clause 8 (*vi*), lines 1 to 3, for the words "six pies in the case of a first class passenger, and at the rate of three pies in the case of a second class" the words "three pies on every" be substituted.

Sir, it will appear that I suggest the exclusion of passengers travelling by the ferry service from taxation to be imposed for the construction of the Howrah bridge. I admit the principle that those persons who would be benefited by the construction of the Howrah bridge ought to be taxed, but I beg to submit that the passengers travelling by the ferry service are not benefited in any way by this bridge. On the contrary it is the bridge itself which is benefited by the ferry service, because owing to the existence of the ferry service the congestion of traffic on the bridge is relieved to some extent. Then, Sir, the Port Commissioners who are in charge of this ferry service have been suffering heavy losses. It would appear from their letter addressed to me that they strongly oppose the proposal to tax passengers by the ferry service: they can see no justice in the proposal even if the tax is levied on passengers crossing the river and there is absolutely no justification whatever for taxing passengers who use the ferry service for going from place to place on the same bank of the river. It appears from the statistics which have been published that the total receipts in the year 1925-26 was 7 lakhs and 22 thousand rupees and the total expenditure amounted to 7 lakhs and 7 thousand rupees: in the previous year there was a loss of seventy-three thousand rupees.

As they have invested 24 lakhs of rupees in these steamers, and calculating interest on this sum at 5 per cent. per annum the charges on that account come up to Rs. 20,000. And if we take into consideration the contributions for sinking fund, depreciation, and interest together, it will appear that the Port Commissioners are running their ferry service at a loss.

As regards the other amendment I beg to submit that an invidious distinction appears to have been made between passengers travelling by the ferry service and passengers travelling by the railway. In the case of the railway no distinction has been made between first and second class passengers, but in the case of the ferry service a distinction has been made between first class and second class passengers. And I may add that there was nothing of this sort in the original Bill. With these remarks I beg to move these two amendments.

The Hon'ble Mr. J. DONALD: Sir, I am afraid we must have money if we are to have a bridge, and therefore I oppose the motion.

The motions of Babu Amulya Dhone Addy were then put and lost.

Babu AMULYA DHONE ADDY: Sir, I beg to move that clause 8 (*vii*) be omitted.

It will appear that under this sub-clause it is proposed to have a tax on all or any classes of vehicles within the limits of Calcutta and the municipalities named in clause (*ii*).

Sir, we have just resolved to increase the rate of tax in Calcutta and Howrah from one-quarter to half per cent. Thus there will be an additional income of about 2 lakhs of rupees. We have also resolved to tax the passengers as well as the goods coming by the Bengal-Nagpur Railway, which will also yield an income of more than 2 lakhs of rupees. Therefore, Sir, we have already increased our revenue by 4 lakhs. And if we omit this item we shall only lose 50 thousand rupees, and notwithstanding its omission there will still remain a net increment in revenue of 3 lakhs and 50 thousand rupees.

As regards the justification for this tax, I beg to submit that the tax on motor-cars in Calcutta has already been increased under the Act of 1923. It was under the Act of 1899 that the tax was fixed at Rs. 12 per half-year and it now stands at Rs. 30 per half-year. Thus it is a case of double taxation which is not desirable. With these words, Sir, I beg to move my motion.

The Hon'ble Mr. J. DONALD: Sir, I am afraid no case has been made out for the exemption of vehicles as the bridge will largely be used by all sorts of vehicles. I, therefore, oppose the motion.

The motion of Babu Amulya Dhone Addy was then put and lost.

After the declaration of the President a member rose and asked for division.

Mr. PRESIDENT: I am sorry I have already said that the "Noes" have it.

Babu AMULYA DHONE ADDY: Sir, I beg to move that to clause 8 (*vii*), the following be added, namely,—

"but not exceeding ten per cent. of the license-tax in respect of such vehicles."

Sir, I may say that this is the unanimous recommendation of the Corporation of Calcutta.

The Hon'ble Mr. J. DONALD: Sir, I think the case for proper consideration of the tax on vehicles is covered by the words "after consideration of the views of the Corporation of Calcutta or the Commissioners of the municipality concerned, as the case may be" in the clause. That seems to me to be quite sufficient, and I, therefore, oppose the motion.

The motion of Babu Amulya Dhone Addy was then put and lost.

Mr. PRESIDENT: The question is that clause 8, as amended, stands part of the Bill.

The motion was put and agreed to.

Adjournment.

The Council was then adjourned till 3 P.M. on Tuesday, the 13th July, 1926, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Tuesday, the 13th July, 1926, at 3 P.M.

Present:

The Hon'ble the President (Kumar SHIB SHEKHARESWAR RAY) in the Chair, the four Hon'ble Members of the Executive Council, and 101 nominated and elected members.

Starred Questions

(to which oral answers were given).

Inflammatory Urdu leaflets.

*17. **Mr. S. N. HALDAR:** (a) Is the Hon'ble Member in charge of the Political Department aware of the fact that innumerable leaflets in Urdu have been distributed inflaming the Muhammadans against the Hindus?

(b) If so, what steps have the Government taken to suppress these leaflets?

(c) Have the Government attempted to find out as to who are the authors and publishers of such leaflets?

(d) If so, are these people or persons being proceeded against under the law?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. L. Birley): (a) Government are aware that inflammatory leaflets in Urdu have been distributed.

(b), (c) and (d) Inquiries were made in every case with a view to the detection of the authors and publishers of those leaflets, but it has not been found possible to obtain evidence which would justify prosecution.

Mr. S. N. HALDAR: May I draw your attention to the fact that no answer has been given to clause (b) of my question?

The Hon'ble Mr. L. BIRLEY: Endeavour has been made to find out some one who could be punished for doing it.

Mr. S. N. HALDAR: May I know if inquiries were made from the Secretary of the Tanzim as well as from the proprietors of the Urdu press?

The Hon'ble Mr. L. BIRLEY: I am afraid I cannot exactly say who are the people from whom inquiries were made.

Calcutta Electric Supply.

***18. Dr. H. W. B. MORENO:** (*a*) Will the Hon'ble Member in charge of the Finance Department be pleased to state whether they are taking any steps to approach the Calcutta Electric Supply Corporation to reduce their charges in regard to electricity supplied to residential quarters?

(*b*) Is the Hon'ble Member aware of the hardship felt among the poorer sections of the community, including Anglo-Indians, in regard to the prevailing rates levied by the Corporation?

(*c*) Have the Government any control over the Corporation in regard to the charging of incidental expenses, such as the rejoining of wires, which have been previously cut off?

(*d*) Is the Hon'ble Member aware that the fee charged in these cases is Rs. 10?

(*e*) Have the Government any information before them to show what the actual cost is for such work?

(*f*) If not, can this information be ascertained from the Corporation for the information of the Council?

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Mr. J. Donald): (*a*) The answer is in the negative.

(*b*) No.

(*c*) The question of the amount of control that Government can legally exercise in such matters is under discussion between Government and the Corporation.

(*d*) According to the rate book of the Corporation, the fee for disconnecting a consumer for non-payment of bills is Rs. 5 and a similar fee is payable for reconnection.

(*e*) No.

(*f*) Government are not prepared to request the Corporation to supply for public information details of the actual cost in such cases.

Dr. H. W. B. MORENO: With regard to the answer given to my question (*c*), may I know if there is any likelihood of an early decision being arrived at?

The Hon'ble Mr. J. DONALD: It is a lengthy process and I cannot say when a decision will be arrived at.

Dr. H. W. B. MORENO: Is the Government aware that for disconnecting a consumer for non-payment of his bill all that is required is that a mistry is sent for disconnecting the wire in which case a fee of Rs. 5 is charged?

The Hon'ble Mr. J. DONALD: This is a matter on which I should like to have the advice of the Corporation.

Unstarred Questions*

(answers to which were laid on the table).

Looting of shops during Calcutta riots.

30. Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: Will the Hon'ble Member in charge of the Police Department be pleased to state the number of shops of Muhammadans and Hindus, respectively, that were looted during the recent Calcutta riots between 2nd April and the end of May last and how many Hindus and Muhammadans, respectively, have been arrested and charged in respect to such looting?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. L. Birley): A statement is laid on the table.

Statement Referred to in the Reply to Unstarred Question No. 30.

Number of shops looted during period 2nd April and 31st May in Calcutta including Northern and Southern districts.		Number of arrests made in connection with the looting.		Number of person actually charged.	
Hindu	100	Hindus	104	Hindus	97
Muhammadans	218	Muhammadans	107	Muhammadans	106

Using of firearms during Calcutta riots.

31. Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state how many cases have been brought to the notice of the police of private persons, Hindu and Muhammadan, respectively, using firearms, during the recent Calcutta riots from 2nd April to end of May last?

(*b*) How many licenses have been granted since the commencement these riots till now to Hindus and Mussalmans, respectively, for—

(1) guns; and

(2) revolvers?

The Hon'ble Mr. L. BIRLEY: (*a*) Nine instances of the use of arms by members of the public came to the notice of the police ing the period mentioned—

5 Hindus,

3 Muhammadans,

1 Unknown.

(*b*) Between the 2nd April and 30th June the following licenses were nted—

(1) Guns ..	Hindus ..	291
	Muhammadans ..	23
(2) Revolvers and pistols ..	Hindus ..	31
	Muhammadans ..	6

Legislative Business.

Government Bills.

The discussion on the Howrah Bridge Bill, 1926, was then resumed.

Clause 9.

Mr. PRESIDENT: The question is that clause 9 stand part of the l.

The Hon'ble Mr. J. DONALD: I beg to move that in clause 9 (*2*), s 3 and 4, for the words "East Indian Railway" the words dministration of the railway by which the goods are carried" be stituted.

I also move that in clause 9 (*3*), line 3, for the words "East ian Railway" the words "administration of the railway by which passengers are carried" be substituted.

I beg to move that after clause 9 the following explanation be erted, namely:—

"*Explanation.*—The word "administration" as used in sub-tions (*2*) and (*3*) has the same meaning as in clause (*6*) of section 3 the Indian Railways Act, 1890."

These motions are intended to give effect to the decision arrived at by the Council to bring the Bengal-Nagpur Railway within the purview of the taxation provided in clause 8 of the Bill.

The motions were put and agreed to.

The following motions failed:—

Babu AMULYA DHONE ADDY to move that clause 9 (*1*) be omitted.

Babu AMULYA DHONE ADDY to move that to clause 9 (*2*) the words " and the Bengal-Nagpur Railway " be added.

Babu AMULYA DHONE ADDY to move that to clause 9 (*3*) the words " and the Bengal-Nagpur Railway " be added.

Mr. PRESIDENT: The question is that clause 9, as amended, stand part of the Bill.

The motion was put and agreed to.

Mr. PRESIDENT: The question is that clause 11 stand part of the Bill.

The motion was put and agreed to.

Clause 12.

Mr. PRESIDENT: The question is that clause 12 stand part of the Bill.

The Hon'ble Mr. J. DONALD: I beg to move that in clause 12, lines 1 and 2, for the words " five lakhs " the words " four lakhs " be substituted.

This proposal is aimed at fixing the Government contribution at Rs. 4 lakhs instead of at Rs. 5 lakhs. This places the charge on provincial revenues at about the same figure as the revenue expected from Calcutta. With this sum together with the sums we expect to realise from the provisions of clause 8 we hope to be able to build the new bridge.

The motion was put and agreed to.

Mr. PRESIDENT: The question is that clause 12, as amended, stand part of the Bill.

The motion was put and agreed to.

Clauses 13 to 16.

Mr. PRESIDENT: The question is that clauses 13, 14, 15 and 16 stand part of the Bill.

The motion was put and agreed to.

Clause 17.

The following motion was called but not moved:—

Babu AMULYA DHONE ADDY to move that clause 17 be omitted.

Mr. PRESIDENT: The question is that clause 17 stand part of the Bill.

The motion was put and agreed to.

Clause 18.

Mr. PRESIDENT: The question is that clause 18 stand part of the Bill.

The motion was put and agreed to.

Clause 19.

The following motion was called but not moved:—

Babu AMULYA DHONE ADDY to move that in clause 19, line 4, after the word "notification" the words "after consideration of any representation which may be made by the Commissioner" be inserted.

Mr. PRESIDENT: The question is that clause 19 stand part of the Bill.

The motion was put and agreed to.

Clauses 20 to 24.

Mr. PRESIDENT: The question is that clauses 20, 21, 22, 23 and 24 stand part of the Bill.

The motion was put and agreed to.

Preamble.

Mr. PRESIDENT: The question is that the Preamble stand part of the Bill.

The motion was put and agreed to.

The Hon'ble Mr. J. DONALD: I beg to move that the Howrah Bridge Bill, 1926, as settled in Council, be passed.

We have now got to the final stages of a discussion which has been going on for very many years with reference to this bridge. It is not therefore necessary for me to say much now. With regard to the remarks which have been made with reference to the attitude of the Government of India to the Howrah bridge, as I said before when the original Bill was put forward, the Government of India promised to give considerable assistance in the construction of a cantilever bridge as the cost of such a bridge was beyond the financial resources of this province. The present Bill, as amended, provides for the construction of a cheaper bridge, and as members of the Select Committee are aware—and it has been mentioned in the report—constant efforts were made to induce the Government of India to help us even with the present bridge. We have now contributions from the Bengal-Nagpur Railway and the East Indian Railway and it is not possible to get any further financial assistance from the Government of India. Whether they were willing to, or not, the Government of India, by the constitution, are unable to make a contribution to the Local Government for local purposes. With the money which is now provided by the taxation clause we shall be able to build a bridge which will last for many years and will meet the present day requirements of trades. The next will be to call for tenders and to construct the bridge; the present bridge will, with the repairs now being carried on, meet the requirements of traffic for the time during which the new bridge is being built.

Babu BEJOY KRISHNA BOSE: I feel, Sir, I shall be failing in my duty if I do not oppose the passing of the Bill even at this stage, and I do so on three grounds. The Select Committee had recommended a certain constitution. Some of the members of the Select Committee have made other proposals in their notes of dissent. Here in this Council we tried our best to get a popular constitution. I will not repeat what I said yesterday: but I do feel, Sir, that the Port Commissioners are a closed body on which there is no representation of Indian interests and upon that body devolves the duty not only of dismantling the present bridge but deciding the type, calling for tenders, accepting them, constructing and maintaining the new bridge. That body is not at all a fairly representative body. I will not say what I have got to say with regard to the constitution of the Port Commissioners at present. I know that a Bill to amend that Act is on the

Legislative anvil. The second ground is the taxation of ½ per cent. on the annual valuation of lands and buildings in Calcutta. We opposed it, and it was only by a snatch vote that the Government obtained a victory; but that does not represent the views of a very large section of the House and surely that does not represent the views of the citizens of Calcutta.

My third ground is that the Bill as amended does not say anything about the type of the bridge. The type of the bridge is not settled; it will depend upon the Bridge Commissioners to settle the type of the bridge. We do not know what expenses the Bridge Commissioners will incur in construction and maintenance of the bridge.

Further with regard to the taxing clauses, I do not wish to say that there should be no taxation if there is to be a bridge. But I feel that there is no necessity of taxation of various interests if there be a contribution from the Government of India. On that the Bill is silent and the Government of India refuse to pay a single pice for the construction and maintenance of the bridge. I am at one with the note of dissent of Mr. Kenneth Campbell and Mr. Snaith. They put it on one ground only that the bridge will connect the two great railway termini in Calcutta, but there is an additional ground that that Government will gain by the bridge in Customs and other duties. Therefore the Government of India should have contributed towards the construction and maintenance of the bridge. Another ugly feature is that trade and commerce of Calcutta are excluded altogether from taxation. On these grounds even at the last moment I feel it my duty to oppose the passing of this Bill.

Mr. A. C. BANERJEE: I too oppose the Bill. The constitution of the Bridge Commissioners has been such as is not popular and also because the recommendations of the Select Committee have been ignored. We have had no reasons given to us why the case such as has been made out by the Select Committee was not pressed upon the Government of India a little more firmly. That might have been easily done.

As regards the constitution of the Board a great deal has been said. I take it that, with your permission, it will bear repetition. You are going to tax the people. Ordinarily the people who pay would have a right to be represented on such bodies as will administer the Act. A man who pays the piper has the right to call the tune, as the popular saying goes. Here that old saying has been wholly ignored and you are now having a Board where the tax-payers will be but very, very poorly represented. You are going practically to make over the whole thing to the Port Trust. As I pointed out in the course of the debate yesterday that the Port Trust is a closed body and with closed doors it carries on its deliberations, and its proceedings never

see the light of day. The public are going to be taxed, but they will not have an opportunity of judging whether the Board are doing the work in the interest of the public or merely wasting the public money. They will not have the right to be heard. Here the Board such as has been proposed to be constituted will be above and beyond the reach of public opinion. We have not had any assurance from the Hon'ble Member as to whether the proceedings of this Board would be accessible to the public or not. Then I pointed out yesterday, and I do so again to-day, that you are unjustly and unrighteously taxing Calcutta at more than one-fourth per cent. Even one-fourth per cent. would be too much for Calcutta. It will be a most unrighteous taxation so far as the people of Calcutta are concerned. An attempt has been made but judging from the attitude of some of the mufassal members here not very successfully but to some extent successfully—to create a diversion in our camp, to divide the Calcutta members from the mufassal members. I hope the mufassal members will see that it means taxation for all, for Calcutta as well as for the mufassal more or less when no such taxation is necessary. I am fully persuaded that there is no occasion for this Bill, there is no hurry for this bridge. I cited the authority of no less a person than the Chief Engineer of the Calcutta Corporation and to those who were not present here last night, I say that the Chief Engineer of the Calcutta Corporation has told us that the present bridge can go on in the same way as it has gone on for some years by repairs—the spare parts being always available and you can go on repairing the bridge and keep it going in a working order 25 or 30 years to come just as you have been doing for the last 25 years or so. In the circumstances it is not necessary, when the people of Calcutta are already overtaxed, when the money market is very tight, when the people are not quite flush with cash, to tax the people. The Calcutta people are already groaning under the yoke of Corporation taxation. If they could afford they would have asked through their representatives to raise the tax to 23 per cent., to do all the improvements that are necessary for the purpose of bringing the amenities of Calcutta to a higher level. They have not been able to do so for want of funds. There is a hundred and one thing to be done. Apart from the question of commitments and the commitments are very heavy, I say the Calcutta Corporation cannot improve the water-supply or the drainage or the lighting or even the conservancy service and there is plenty of room for improvement in all these, because the Corporation cannot afford it. For these purposes the Calcutta Corporation could levy a higher tax but it has not done so because it is fully aware that the rate-payers are already overtaxed, and cannot pay more. Still with a heartlessness which is as discreditable as it is shameless, the Government comes forward with a proposal that we should pay additional tax for a new bridge, a bridge for which there is no hurry. In these circumstances I oppose the passing of the Bill.

Mr. W. L. TRAVERS: Knowing very well the great services that have been rendered to the Corporation of Calcutta by alderman Bose, I listened yesterday and again to-day with close attention and with great respect to Mr. Bose's explanation of the financial difficulties of the Corporation. Although I sympathise very much with those difficulties the arguments advanced by Mr. Bose have not convinced me at all in regard to the contribution. Speaking as an up-country member and inspite of Mr. Banerjee's condemnation I am glad that the balance of taxation has been readjusted in what I think is now a more just and more fair manner.

One word in regard to the necessity of the bridge itself and therefore of passing the Bill to-day. The question arises—Is the Bill a necessity or is it not? I think and I believe that public opinion will endorse what I say—that it is a necessity that a new bridge be built and that as soon as possible. There has already been long delay over this matter in Bengal and it is not an advertisement favourable to Calcutta or to the province. Let us think for a moment, let us imagine what might be the result if anything happened to the present bridge. Surely the cost of the bridge itself might be wasted within a few weeks. In my opinion and I think in the opinion of the members of this Chamber the cost of the bridge may be regarded as nothing but an insurance and I trust this Council will vote that insurance in no uncertain voice to-day.

The Hon'ble Mr. J. DONALD: Much of what has been said was dealt with yesterday, and I do not think I need add anything to the remarks I made yesterday on the various points raised, and as to the necessity of constructing a bridge of this kind. This question has been under consideration now for many years, and I hope the members of this House will now pass the Bill.

The motion that the Howrah Bridge Bill, 1926, as settled in Council be passed was put and a division taken with the following result:—

AYES.

Ahmed, Maulvi Tayebuddin.
Ali, Maulvi Sayyed Sultan.
Barton, Mr. H.
Birley, the Hon'ble Mr. L.
Chakravarti, Mr. Syamhee.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Child, Mr. R. H.
Choudhury, Maulvi Fazlal Karim.
Cohen, Mr. D. J.
Cooper, Mr. C. G.
Crawford, Mr. T. C.
Das, Babu Charu Chandra.
Das, Rai Bahadur Amar Nath.
Davis, Mr. J. Cooper.
De, Mr. K. C.
Donald, the Hon'ble Mr. J.
——— Mr. J. G.
Farequi, Khan Bahadur K. G. M.
Forrester, Mr. J. Campbell.
Ghuznavi, Haji Mr. A. K. Abu Ahmed Khan.
Goenka, Rai Bahadur Badridas.
Guha, Mr. F. N.
Haq, Khan Bahadur Kazi Zahirul.
Heard, Major General Richard.
Hodgson, Mr. R. C.
Hogg, Mr. G. P.
Hopkyns, Mr. W. S.
Hussain, Nawab Muzharrul, Khan Bahadur
Huq, Maulvi Ehramul.
Jennaway, Mr. J. H.
Khaitan, Babu Debi Prasad.
Lal Mahammed, Haji.
Lindsay, Mr. J. H.
Maulik, Mr. Syed M.

McAlpin, Mr. M. C.
McKenzie, Mr. D. P.
Mitter, Sir Provash Chunder.
Moberly, Mr. A. N.
Morene, Dr. H. W. B.
Mukerji, Mr. S. C.
Nandy, Maharaj Kumar Sris Chandra.
Nazimuddin, Khaje.
Patterson, Mr. D. C.
Philip, Mr. J. Y.
Rahim, Sir Abd-ur-.
Raikat, Mr. Prasanna Deb.
Ray, Babu Nagendra Narayan.
Ray, Babu Surendra Nath.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra, of Nadia.
Ray Chaudhuri, Mr. K. C.
Roy, Mr. S. N.
Roy, Mr. Tarit Bhusan.
Ray, Raja Manilell Singh, of Chakdighi.
Sen, Mr. N. C.
Simpson, Mr. J. W. A.
Stapleton, Mr. H. E.
Travers, Mr. W. L.
Villiers, Mr. E.
Wilson, Mr. R. S.

NOES.

Addy, Babu Amulya Dhone.
Ahamad, Maulvi Asimuddin.
Ahmed, Maulvi Zanneer.
Bagchi, Babu Ramee Chandra.
Banerjee, Dr. Pramathanath.
Banerjee, Mr. A. C.
Biswas, Mr. Abdul Latif.
Bose, Babu Bejoy Krishna.
Chaudhuri, Maulvi Saiyed Abdur Reh.
Chaudhuri, Rai Harendranath.
Chunder, Mr. Nirmal Chandra.
Das, Dr. Mahini Mohan.
Dey, Babu Beroda Prosad.
Ganguly, Babu Khagendra Nath.
Haldar, Mr. S. N.
Heque, Maulvi Sayedul.
Hossain, Maulvi Wahed.
Jeardar, Maulvi Aftab Hossain.
Khan, Babu Debendra Lal.
Khan, Maulvi Abdur Rashid.
Khan, Maulvi Amanat.
Khan, Maulvi Mahi Uddin.
Mahammad, Maulvi Basar.
Maity, Babu Mahendra Nath.
Mitra, Babu Jogendra Nath.
Mukerjea, Babu Taraknath.
Nasker, Babu Hem Chandra.
Ray, Babu Abanish Chandra.
Ray, Dr. Kumud Sankar.
Roy, Babu Manmatha Nath.
Roy, Babu Satcowripati.
Roy, Dr. Sidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Chaudhuri, Babu Sailaja Nath.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarkar, Babu Hemanta Kumar.
Sarker, Babu Naliniranjan.
Sasmal, Mr. S. N.
Sen Gupta, Mr. J. M.
Tarafdar, Maulvi Rajib Uddin.

The Ayes being 59 and the Noes 41, the motion was carried.

The Bengal Tenancy (Amendment) Bill, 1926.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: I present the Report of the Select Committee on the Bengal Tenancy (Amendment) Bill, 1926.

In presenting the Report of the Select Committee, I desire to state briefly the reason why no further motion regarding the Bill appears in the list of business. The Select Committee themselves consider that the alterations they have made in the Bill necessitate its republication. A perusal of the report and of the note of dissent recorded by myself and the other official members of the Committee will show that the Select Committee have made radical changes in some of the most important principles of the Bill, which Government are unable to accept. I refer to the principles on which it was proposed to provide for transferability of occupancy rights, with safeguards to protect the

actual cultivator. The safeguard which the Government Bill provided was to give the under-raiyat in certain circumstances occupancy rights, so that if, for example, the raiyati rights passed into the hands of a money-lender, the actual cultivating under-raiyat would still be secure in the occupation of his land. The majority of the Select Committee, however, refused to give any protection of any value to the under-raiyat. If the Bill in the form in which it has emerged from the Committee were to become law, the result would be that the tenants' right would pass more and more into the hands of mere rent-receivers, money-lenders and middlemen secure in the possession of occupancy rights and free to exact the uttermost pice for the use of the land from cultivators, without rights and without protection. It is obvious that such a radical departure from one of the most important principles is unacceptable in view of the untoward effect on the agricultural community and detriment to the agricultural prosperity of Bengal.

Two courses are open to me. I might ask the Council to refer the Bill back to the Select Committee with instruction to provide in it for the protection of the under-raiyat. But if the Council agreed to do this, it is apparent that the Bill could not be amended and passed into law within the lifetime of the present Council. Neither the Council nor the Legislative Department would have the time to deal adequately with a Bill about which opinions in the Council are certain to differ. Even if the Select Committee's further report were published before the beginning of the August session, it is unlikely that the Council would be able to complete the consideration of the Bill within one month, and it is certain that the Legislative Department would not have the time to examine the Bill as it is modified by the Council, correct the drafting and report what consequential amendments would be necessary in time for the Bill to be finally passed by the present Council. I do not, therefore, propose to waste the time of this Council by proposing this course.

The other course is for me to abstain from making any motion with regard to the Bill, and it is this course which I proposed to follow. The result will be that the Bill will lapse. I regret this result because the Bill has in it much that would have been of value. I regret that this should be the result of the careful and earnest attention which the members of the Select Committee devoted to every detail of the Bill; I gladly acknowledge that in many respects our Bill has been materially improved by their labours. It is to my mind very unfortunate that the change in one of the main principles of the Bill should compel us to abandon it; but I hope that the Committee's labours will not be wasted as it is the intention of Government to place before the next Council a Bill which, while maintaining the principles which we consider essential, will take advantage of the improvements made by the Select Committee in the present Bill.

The Calcutta Municipal (Amendment) Bill, 1926.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: Sir, I present the Report of the Select Committee on the Calcutta Municipal (Amendment) Bill, 1926.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: I move that the said Bill as reported by the Select Committee be taken into consideration.

The motion was put and agreed to.

The following motion was called but not moved:—

Babu DEBI PROSAD KHAITAN to move that in clause 2 for sub-section (4) of the proposed section 557A, the following sub-section be substituted, namely:—

"(4) No suit or legal proceeding instituted or continued under this section shall be called in question merely on the ground that a suit or proceeding in regard to the same facts has previously failed by reason of the absence of a General Committee under this Act, or by reason of the failure of the Corporation to give the person proceeded against an opportunity of being heard, or on account of any defect or irregularity not affecting the merits of the case."

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: Sir, I move that the Calcutta Municipal (Amendment) Bill, 1926, as reported by the Select Committee, be passed.

The motion was put and agreed to.

The Bengal Motor Vehicles Tax Bill, 1926.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: I move that the Bengal Motor Vehicles Tax Bill, 1926, be referred to a Select Committee consisting of Mr. J. G. Drummond, Mr. B. C. Hodgson, Raja Maniloll Singh Roy of Chakdighi, Nawab Musharruff Hossain, Khan Bahadur, Khaje Nazimuddin, Hadji Mr. A. K. Abu Ahmed Khan Ghuznavi, Rai Harendranath Chaudhuri, Dr. Bidhan Chandra Roy, Babu Surendra Nath Ray, Babu Boroda Prosad Dey, Mr. E. Villiers, Mr. R. B. Wilson, Mr. A. C. Banerjee, Babu Bejoy Krishna Bose and the mover, five to form a quorum, with instructions to submit their report in time for its consideration in the August session of the Council.

The following motion was called but not moved:—

Babu TARAKNATH MUKERJEA to move, by way of amendment, that after the name of "Babu Bejoy Krishna Bose" the name of "Mr. B. N. Sasmal" be inserted.

SHAH SYED EMDADUL HAQ moved, by way of amendment, that after the name of "Babu Bejoy Krishna Bose" the names of "Dr. A. Suhrawardy and Shah Syed Emdadul Haq" be inserted.

He spoke in Bengali.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: Sir, the question of inclusion of more names in the Select Committee was discussed at a meeting of the Legislative Council of 25th February, 1926, when Sir Hugh Stephenson clearly explained why it is very difficult for Government to accept recommendations for the addition of names. Following that I think I should oppose this amendment, not on account of any personal objection to the gentlemen in question but for the following reasons.

This is a Bill which requires very careful examination, and an endeavour has been made to have a business-like committee of moderate size representing commercial interests, the Calcutta Corporation, the Presidency area, the district boards and municipalities of Western, Eastern and Northern Bengal, and as much of an expert element as possible.

So far as politics are concerned, the Bill is not a controversial one. Every one is, I think, agreed that it is reasonable to impose a moderate tax on owners of motor vehicles in the mufassal, and that it is desirable to improve the roads maintained by district boards and municipalities. A possible exception is Babu Umesh Chandra Chatterjee who is opposed to the running of all cycles and motor vehicles invented by foreign brain, but he is not here to-day. If the Bill has nothing to do with politics, it has still less to do with any communal question, and there is no justification for including or excluding any member on the ground of his religion. The gentlemen whose names have been put before the Council by Shah Syed Emdadul Haq do not represent any interest or local area not already represented on the Committee. So far as the Burdwan Division is concerned, we have Raja Manilol Singh Roy in the Committee as its representative. So far as Eastern Bengal is concerned, we have Mr. Ghuznavi and Mr. Nazimuddin who is Chairman of the Dacca Municipality; hence there is no need to include Shah Syed Emdadul Haq. Dr. A. Suhrawardy represents the rural Muhammadan constituency of the 24-Parganas in this Council, and it is unnecessary to have another representative of that area on the Committee as we already have Rai Harendranath Chaudhuri.

The motion of Shah Syed Emdadul Haq was then, by leave of the Council, withdrawn.

The motion of the Hon'ble Maharaja Bahadur of Nadia that the Bengal Motor Vehicles Tax Bill, 1926, be referred to a Select Committee was then put and agreed to.

The Calcutta Port (Amendment No. II) Bill, 1926.

The Hon'ble Mr. J. DONALD: Sir, I beg to introduce a Bill further to amend the Calcutta Port Act, 1890.

The Secretary then read the short title of the Bill.

The Hon'ble Mr. J. DONALD: Sir, may I have your permission to substitute the name of Sir Abd-ur-Rahim for that of Khan Bahadur S. Mahboob Aley, who is ill, in the proposed Select Committee?

Mr. PRESIDENT: Yes, you have.

The Hon'ble Mr. J. DONALD: Sir, I beg to move that the Calcutta Port (Amendment No. II) Bill, 1926, be referred to a Select Committee consisting of Mr. M. C. McAlpin, Mr. D. C. Patterson, Mr. R. B. Wilson, Raja Reshee Case Law, Babu Debi Prosad Khaitan, and Sir Abd-ur-Rahim and the mover, with instructions to submit their report for presentation at the August session of the Council and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

Sir, the Bill, as introduced, is designed as will appear from the Statement of Objects and Reasons, to increase the number of representatives of Indian commerce on the Calcutta Port Commission. The opinions of public bodies have already been obtained in the matter and they will be considered in the Select Committee.

Maulvi EKRAMUL HUQ: Sir, I beg to be allowed to offer a few criticisms and to make a suggestion. Before doing that I think we should thank the Hon'ble Mr. Donald for having increased the number of representatives of Indian commerce from one to four. But I am afraid somehow or other one very important matter has been overlooked, *viz.*, the claims of the Muhammadans who are in the commercial line—and their number is not a few in Calcutta—to representation on the Commission. I trust the Select Committee will make it a point to see that the representatives of a very large section of the Muhammadans, who are engaged in commerce and who are residents of Calcutta and are interested in the port and consequently in the present Bill, find a place on the Commission.

Babu AMULYA DHONE ADDY: Sir, on behalf of the Bengal National Chamber of Commerce, which I have the honour to represent in this Council, I thank the Hon'ble Mr. Donald from the bottom of my heart for his having kindly introduced this Bill.

Sir, the present constitution of the Calcutta Port Trust, as laid down in sections 5 and 6 of the Calcutta Port Act, 1890, as amended by Bengal Act IV of 1905, is as follows:—

There are 16 Commissioners consisting of a Chairman, a Deputy Chairman, 5 nominated Commissioners, and 9 Commissioners elected as follows:—

> Six by the Bengal Chamber of Commerce, 1 by the Calcutta Trades Association, 1 by the Corporation of Calcutta, and 1 by such body or bodies or firms as the Local Government may select as best representing the interests of the Indian mercantile community.

In accordance with the provisions of section 6, His Excellency the Governor of Bengal has been pleased to select the Bengal National Chamber of Commerce as the body best representing the interests of the Indian mercantile community.

Having regard to the fact that there has been an increase in the proportion of business handled by Indian firms to the total amount of business which passes through the port of Calcutta, it is desirable to provide for increased representation of the Indian mercantile community by giving the Bengal National Chamber of Commerce the right to appoint more Commissioners. The Port Commissioners themselves, as will appear from the letter of their Chairman, dated the 30th March, 1922, addressed to the Secretary of the Government of Bengal, Marine Department, were of opinion that four representatives of the Bengal National Chamber of Commerce should be appointed instead of 1, as at present. This appears to be a very moderate proposal, having regard to the fact that the Bengal Chamber of Commerce has 6 representatives and the Calcutta Trades Association 1 representative in the Calcutta Port Trust.

As regards the question as to why the said additional seats should be allowed to the Bengal National Chamber of Commerce only, the following observations of the Franchise Committee on the Government of India Bill may be quoted:—

"The Bengal National Chamber of Commerce is undoubtedly the foremost Indian commercial body in the Presidency of Bengal. The list of its members includes all the more prominent Indian businessmen and they have interests throughout Bengal".

[A VOICE: Question.]

Babu AMULYA DHONE ADDY: It has been questioned, but I can prove it to the hilt with facts and figures. And what I have stated is the bare fact—pure and simple.

[A VOICE: What about bankers?]

Babu AMULYA DHONE ADDY: Yes, the Bengal National Chamber of Commerce consists of bankers and merchants as well.

The following observations were made by His Excellency Lord Hardinge, ex-Viceroy and Governor-General of India, in reply to the address of welcome presented by the said Chamber :—

" You are constantly consulted by Government on questions affecting not only the commercial community, but also the general welfare of the people. You have given useful and valuable advice ".

With these remarks, Sir, I beg to support the motion.

Mr. TARIT BHUSAN ROY: Mr. President, Sir, I rise to move, by way of amendment, that the name of Mr. K. C. Ray Chaudhuri be added to the Select Committee for considering the Calcutta Port (Amendment No. II) Bill, 1926. Mr. Ray Chaudhuri's connection with labour is well known. We all know that no less a person than Mr. Johnston, the Labour M. P. for Dundee, who visited Calcutta, eulogised his services in the cause of labour in the House of Commons. I understand that there are 30,000 employees under the Port Commissioners and so Mr. Ray Chaudhuri will be very useful on the Committee.

Mr. P. N. GUHA: Sir, I beg to propose that the names of Sir Provash Chunder Mitter and Babu Jatindra Nath Basu be added to the Select Committee.

Mr. K. C. RAY CHAUDHURI: I move, Sir, that the name of Mr. Tarit Bhusan Roy be added to the Select Committee.

Mr. P. N. GUHA: It looks like a mutual admiration society.

Mr. K. C. RAY CHAUDHURI: What about the members of the Civil Service admiring each other?

Sir, Mr. Roy represents a very important section of the commercial community of Calcutta, *viz.*, the Mahajan Sabha which consists of many substantial merchants and has, therefore, a more intimate connection with the Port Trust than many of the other so-called commercial bodies.

Babu DEB PROSAD KHAITAN: Sir, I move my amendment not because I am a member of a mutual admiration society, but because I think that the name of Rai Abinash Chandra Banerjee Bahadur should be added to the personnel of the Select Committee. He is the President of the Indian Mining Federation, and the Indian Mining Federation represents the Indian coal interests and it is very

necessary that these interests should be considered in the deliberations of the Port Commissioners. I hope that Government will be pleased to accept this amendment.

Mr. P. N. GUHA: Sir, I beg to move, by way of amendment, that for the words "quorum shall be four" the words "quorum shall be six" be substituted. I hope the Hon'ble Finance Member will accept the names which have been proposed for addition to the Select Committee: the size of the Select Committee will consequently be enlarged, and I think that the quorum should also be increased from four to six.

The Hon'ble Mr. J. DONALD: Sir, we have heard various reasons which have been adduced for adding the names of the several gentlemen to the Select Committee. I do not think we have got the real reasons for their inclusion. We shall see this in Select Committee. But I have no objection to the inclusion of these names in the Committee.

The following motions were then put and agreed to:—

Mr. TARIT BHUSAN ROY to move, by way of amendment, that after the name of Sir Abd-ur-Rahim the name of Mr. K. C. Ray Chaudhuri be inserted.

Mr. P. N. GUHA to move, by way of amendment, that after the name of Sir Abd-ur-Rahim the names of Sir Provash Chunder Mitter and Babu Jatindra Nath Basu be inserted.

Mr. K. C. RAY CHAUDHURI to move, by way of amendment, that after the name of Sir Abd-ur-Rahim the name of Mr. Tarit Bhusan Roy be inserted.

Babu DEBI PROSAD KHAITAN to move, by way of amendment, that after the name of Sir Abd-ur-Rahim the name of Rai Abinash Chandra Banerjee Bahadur be inserted.

Mr. P. N. GUHA to move, by way of amendment, that for the words "quorum shall be four" the words "quorum shall be six" shall be substituted.

The following amended motion was then put and agreed to:—

"That the Calcutta Port (Amendment No. II) Bill, 1926, be referred to a Select Committee consisting of Mr. M. C. McAlpin, Mr. D. C. Patterson, Mr. R. B. Wilson, Raja Reshee Case Law, Babu Debi Prosad Khaitan, Sir Abd-ur-Rahim, Mr. K. C. Ray Chaudhuri,

Sir Provash Chunder Mitter, Babu Jatindra Nath Basu, Mr. Tarit Bhusan Roy, Rai Abinash Chandra Banerjee Bahadur and the Hon'ble Mr. J. Donald, with instructions to submit their report for presentation at the August session of the Council and that the number of members whose presence shall be necessary to constitute a quorum shall be six."

Prorogation.

I have it in command from His Excellency the Governor to announce that the Bengal Legislative Council stands prorogued.

I am asked to add that the opening meeting of the August session will be held on the 16th of August, 1926, and that notices for the introduction of Bills should reach the Secretary by the 16th of July, 1926.

B. G. Press—12-8-1926—968M—1,300—A. F. A.

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